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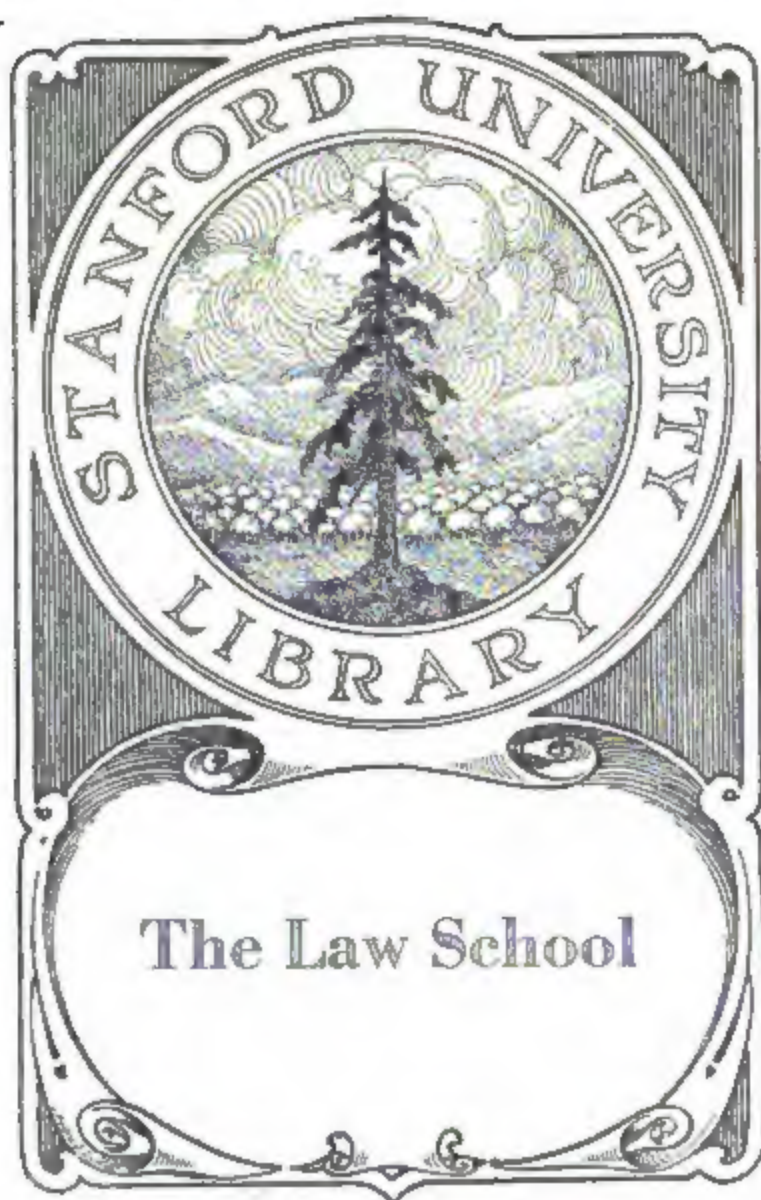
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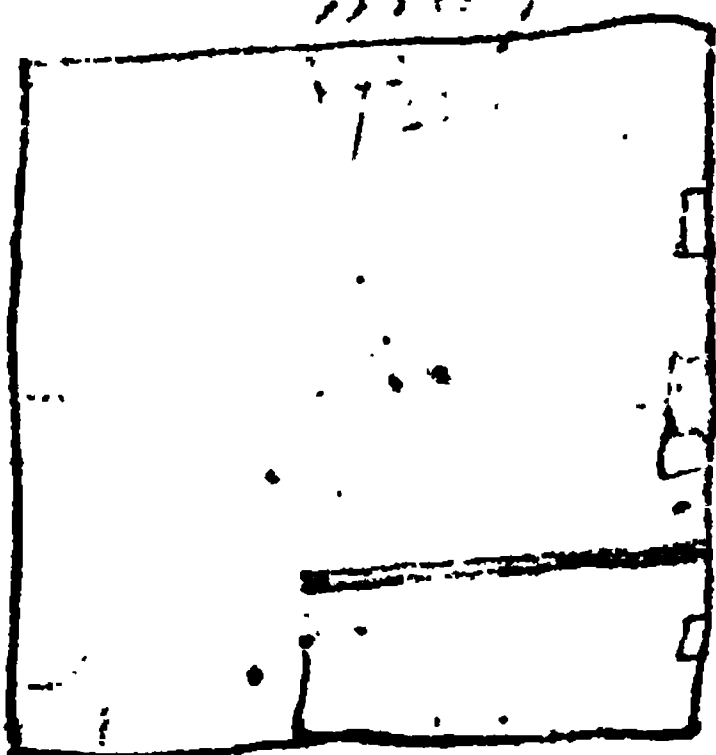
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A C T S

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

**ADJOURNED SESSION (JANUARY, 1865) WHICH WAS BEGUN AND HELD
IN THE CITY OF FRANKFORT, ON MONDAY, THE
SEVENTH DAY OF DECEMBER, ~~1864~~ 1865**

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PUBLIC ACTS
OF
THE STATE OF KENTUCKY,

PASSED AT THE ADJOURNED SESSION OF THE GENERAL ASSEMBLY (JANUARY, 1865) WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT, ON MONDAY, THE SEVENTH DAY OF DECEMBER, 1863.

THOS. E. BRAMLETTE, *Governor.*

R. T. JACOB, *Lieut. Governor and Speaker of the Senate.*

HARRISON TAYLOR, *Speaker of the House of Reps.*

E. L. VANWINKLE, *Secretary of State.*

CHAPTER 584.

AN ACT to authorize the holding of Court in any place designated by the Judge, when the court-house has been destroyed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1865.

§ 1. That in any county of this Commonwealth in which the court-house has been or may be hereafter destroyed, it shall be lawful for the county judge, by order of record in the county court, to designate a building within the limits of the county town in which the circuit and county courts for such county shall be held, and the building so designated shall be deemed the court-house of such county for all legal purposes.

County Judge
to designate
building to hold
Courts when C.
H. destroyed.

§ 2. This act shall take effect from its passage.

H. TAYLOR,
Speaker of the House of Representatives.

J. B. BRUNER,
Speaker of the Senate pro tem.

Approved January 11, 1865.

THOS. E. BRAMLETTE.

By the Governor:
E. L. VANWINKLE, *Secretary of State.*

1865.

CHAPTER 588.

AN ACT to change the time of holding the Clinton Circuit Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Times & terms
of Court.

§ 1. That in lieu of the time now fixed by law, the Clinton circuit court shall be held, commencing on the 4th Mondays in February and August of each year, and continuing six juridical days, if the business of the court requires, and that all process which has heretofore been issued, or may hereafter be issued, from said court, shall be returnable to the terms as herein established.

§ 2. This act shall take effect from its passage.

Approved January 13, 1865.

CHAPTER 603.

AN ACT to fix the time of holding the Marion Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit court in the county of Marion shall be held on the fourth Mondays in February and August, and continue each twelve juridical days; and also, a term for the trial of equity, criminal, and penal cases, on the first Monday in June, and continue twelve juridical days, should the business require it.

§ 2. This act to take effect from its passage.

Approved January 17, 1865.

CHAPTER 604.

AN ACT concerning the jurisdiction of the Jefferson Circuit Court in certain criminal cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in criminal cases, under indictments for wounding, striking, stabbing, beating, thrusting, assaulting, or shooting another, whether willfully and maliciously or in sudden passion, or whether with or without intent to kill and take the life of such other, the Jefferson circuit court shall have the power to find the offender guilty of a misdemeanor, and inflict upon him such punishment, and in the same manner, as in other circuit courts of this Commonwealth.

§ 2. This act to take effect from its passage.

Approved January 17, 1865.

CHAPTER 605.

1865.

AN ACT to authorize the sale of property at the Market-house in Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all cases when by law the sheriff or any other person is required to sell property at the court-house door, in Paducah, the sale may be made at the market-house in Paducah; and such sale, so made, shall be as valid as if made at the court-house door.

§ 2. This law to remain in force so long as the court-house is used by the military as a hospital, or for any other purpose.

Approved January 17, 1865.

CHAPTER 632.

AN ACT providing for refunding to the School Fund amounts overdrawn by certain counties of the State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That in the case of any county which has been allowed to draw as surplus more than was due it, of the revenue of the school fund, the amount so overdrawn shall be refunded to the treasury: first, out of the surplus, if any, arising to the credit of such county for the school year 1864; secondly, if there should be no surplus arising to the credit of such county for the school year 1864, or if such surplus should be insufficient for the purpose, out of the interest accruing on the amount named to the credit of such county in the bond heretofore issued for surplus; thirdly, if this interest, superadded to the surplus, if any, arising to the credit of such county for the school year 1864, should be insufficient, out of the amount itself named to the credit of such county in the said bond; and fourthly, if these amounts should be insufficient, or if there should be no surplus for the school year 1864 to the credit of such county, or no amount named to the credit thereof in the aforementioned bond, or neither surplus for the year 1864, nor amount named in the bond, then the amount overdrawn shall be refunded out of the distributable share of the revenue of the school fund apportioned to such county for the school year 1864.

School money
overdrawn how
refunded.

Approved January 19, 1865.

CHAPTER 633.

AN ACT to amend an act, entitled "An act to incorporate the Exchange Bank of Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Exchange Bank of Kentucky shall have the right to purchase and hold such real estate in the city of

Acts 1862-4.
May purchase
real estate.

1865.

Louisville as shall be necessary for a banking-house, for the purpose of transacting business therein.

Enjoy same
privileges as
Merchants' B'k

§ 2. Said Exchange Bank shall have all the rights and privileges, and be subject to the same restrictions, as the merchants' banks of Kentucky now have.

§ 3. That the charter of said bank shall continue for thirty years from the 22d February, 1864; but the powers of said bank shall in nowise be so construed as to authorize the issuing paper for circulation. The Legislature reserves the right to alter, amend, or repeal this charter at pleasure.

§ 4. This act shall take effect from its passage.

Approved January 20, 1865.

CHAPTER 645.

AN ACT to regulate the Fees of Chancery, Circuit, and County Court Clerks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the clerks of the chancery courts, circuit courts and county courts (so far as the same will apply), shall receive the following fees for the services performed by them, viz:

For issuing each summons.....	\$0 30
For each copy thereof.....	20
For entering and filing return thereof.....	15
For each order of attachment.....	30
For each copy thereof.....	20
For each order of injunction.....	30
For each copy thereof.....	30
For each subpoena <i>ad duces tecum</i>	40
For each subpoena for witnesses.....	30
<i>Provided, That all of the witnesses living in the same county ordered to be summoned at the same time shall be included in one subpoena, and the fee therefor shall not be increased.</i>	
For each warrant of arrest of a witness.....	30
For entering and filing sheriff's return thereof.....	15
For each order of arrest.....	30
For each copy thereof.....	30
For entering and filing sheriff's return thereof.....	15
For each order of delivery.....	30
For each copy thereof.....	30
For entering and filing sheriff's return thereof.....	15
For docketing a cause at each term.....	10
For entering appearance of each party or parties to a cause.....	15
For filing a petition, or any other pleading or amended pleading.....	15
For each order of court in any action.....	30
For each copy thereof.....	25
For each trial of a jury, including all the services incident thereto.....	1 00
For entering a judgment without jury.....	30

LAWS OF KENTUCKY.

5

For each copy of a judgment.....	30
For taxing costs of each party or parties, at each term when judgment for costs is rendered, or on final judgment.....	30
For a copy of taxation of costs, if called for.....	20
For issuing an execution, including indorsements and return thereof, to be charged when issued.....	60
For a copy of any execution.....	50
For recording each award of arbitrators, or a decree in chancery, or judgment in equity, for each twenty words.....	02
For entering attendance of witnesses, and giving a certificate thereof, and swearing witnesses.....	25
For each bond required to be taken by the clerk, including the administration of an oath to the securities, and the certificate thereof.....	75
For each copy thereof.....	30
For filing each appeal.....	15
For each summons thereon.....	30
For each copy thereof.....	20
For filing return thereof.....	15
For entering judgment on judgment book.....	30
For entering satisfaction, or release or discharge thereof, in whole or in part, in court or on judgment book, to be paid by the party procuring the same, and when made by the clerk.....	30
For administering an oath, and certificate thereof.....	20
For filing an attachment granted by a justice of the peace or county judge.....	15
For copying a surveyor's report, for every twenty words.....	02
For copying a plat, for each tract presented therein.....	25
For filing papers in any cause, for each party, exclusive of process, pleading, depositions, or papers referred to in the pleadings, to be charged as costs once to each party.....	30
For filing depositions of each party, to be charged but once in each case.....	15
For affixing seal of office and certificate of same, except in cases exempt from charge.....	50
For each writ of possession.....	1 00
For each official certificate.....	30
For issuing a writ of idiocy or lunacy.....	50
For recording each inquisition under same.....	50
For each copy of such inquisition.....	50
For copying a record, for every twenty words.....	02
For copying any other paper, not specified, for every twenty words.....	02
For copying a deed, and certificates thereon.....	1 00
For copying a mortgage, and certificates.....	1 00
For taking a recognizance in court.....	50
For taking each replevin bond.....	50
For every summons required by law.....	30
For entering and recording on the order book commissioners' reports, or any exhibit or paper in any cause, when ordered by the judgment or order of the court, for every twenty words.....	02
For recording special verdict, for every twenty words.....	02
For recording an execution and its returns and indorsements, when land	

1865.

1865.

is sold thereunder, to be charged to plaintiff and included in the redemption price.....	50
For recording release or redemption of land sold under execution, to be added to the price of redemption.....	25
For recording transcript from a justice of the peace or quarterly court, in order to obtain execution from the circuit clerk's office, for every twenty words, to be paid by the plaintiff and charged as costs in said execution.....	02
For recording each bond required by law to be recorded in equity or chancery proceedings.....	50
For issuing each supersedeas.....	30
For each copy thereof.....	20
For each commission to take depositions.....	30
For copying courses and distances of any deed, for each tract, when demanded.....	25
For recording plat laid down in the allotment of dower or division of land, for each tract thereof.....	25
For copying each report thereof, for each twenty words.....	02
And for each plat, for each tract represented on the plat, including the description thereof.....	25
For entering satisfaction of a mortgage or lien, when entered on the margin of the record book.....	25
For receiving the acknowledgment, recording, and certifying each deed of release of a mortgage or lien.....	75
For a writ of <i>ad quod damnum</i>	1 00
For recording report thereon, for every twenty words.....	02
For recording a map or plat accompanying such report.....	25
For each order made by the clerk in vacation.....	30
For receiving the acknowledgment or proof of any deed, mortgage, or agreement, power of attorney, marriage agreement, or other agreement or written instrument required by law to be done, and certifying same...	50
For recording powers of attorney, marriage agreements, and other agreements, allotments of dower, division of land and slaves, wills, inventories, sale bills, settlement of fiduciary accounts, and certificates thereof, for every twenty words (two cents).....	02
For each order in the county court.....	25
For each copy thereof.....	25
For recording a deed of real estate, taking the acknowledgment or proof thereof, and certifying the same, and recording his own certificate.....	1 25
For each additional certificate.....	25
For each additional tract embraced in said deed, except town lots.....	25
For copy of deed and certificate thereon.....	1 00
For recording the conveyance of personal or chattel property, taking the acknowledgment or proof thereof, and recording the orders and certificates, including the whole service.....	1 00
For each copy thereof.....	50
For the probate of a will and certificate, including all services relating thereto.....	50
For an order granting an administration, appointing guardian, curator, or committee of an idiot or lunatic, or appraisers of estate, or any fiduciary	25

LAWS OF KENTUCKY.

7

For taking a bond from any fiduciary	50
For certificate of administration, or copy of it.....	25
For every tavern license and bond.....	1 00
For copy of tavern rates.....	25
For license to vend spirituous liquors.....	50
For order granting same	25
For marriage license, bond, certificate, and recording it.....	1 50
For order binding out an apprentice.....	25
For copy of same, when ordered	25
For writing the indentures and recording same	1 00
For making a record for the establishment of a town, recording the plan thereof, and all other services	5 00
For taking a bond from the owner of a ferry, or in any other case where no fee is fixed specially by law.....	50
For copy of any bond	50
For recording post-note of an estray, waifs, or wreck, and advertising same.....	75
For every order concerning the establishment, changing, and closing, or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed, or discontinued, and by the applicant when it is not.....	30
For each order appointing surveyor of roads.....	25
For each copy thereof	20
The last two named to be paid out of the county levy.	
For each order in proceedings for private passways, to be paid by applicant,	25
For each copy of same, to be paid by applicant.....	25
For each license to peddlers.....	1 00
For each license to stand a stud, jack, or bull	50
For each report of list of surveyors of roads made and furnished to the grand jury, to be paid out of the county levy	2 00
For recording mortgage of real estate, certificates, and all services connected with the same, the same as a deed of real estate.....	1 25
For recording mortgage of personalty	1 00
For recording deeds of trust, or assignments for the benefit of creditors ...	1 50
For taking bond required of the trustee or trustees in such cases, and including all services connected with it	1 00
For recording inventories required to be filed by the trustee, for every twenty words.....	02
For each certificate of election of an officer, to be paid by the person receiving it	50
For each license to a broker.....	1 00
For administering an oath to a broker.....	25
For each license to sell playing cards	1 00
For each bond required of a vender of playing cards.....	1 00
For copying tax book for sheriff and auditor, for each line across the page of each copy, including the name of the person and the last number of total, value to be ascertained by the Auditor and paid out of the Treasury.....	02

1865.

1865.

For each order and certificate allowing any claim against the county or State Treasury where the claim exceeds \$5, and to be paid by the claimant..... 39

Similar fees for similar services shall be allowed in all cases in the name of the Commonwealth when a fine is assessed and collected.

The circuit court clerk shall be allowed the same fees now allowed by law for services rendered the jury fund, and be paid as now allowed by law.

For all services for which fees are not specifically allowed herein, the clerks of the circuit and county courts shall be allowed to charge and receive the same now allowed by law.

§ 2. This act shall be in force from its passage for three years, and, at the expiration of said time, said clerks shall not charge and receive any other or higher fees than are now fixed by law.

Approved January 21, 1865.

CHAPTER 675.

AN ACT to amend the act to establish a levy and county court for Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustee of
jury fund of
Jefferson cir-
cuit court to
act for county
court.

Bond.

§ 1. That the trustee of the jury fund for the Jefferson circuit court shall be the trustee of the jury fund of the Jefferson county court, and he shall perform the duties and be governed by the rules, and under the same liabilities, in respect to said county, now established by law for the government of the jury fund and trustees thereof; and shall give, in said county court, a covenant with good surety, and renew the same every second year, to be examined by the county attorney and approved by the judge of said court, faithfully to discharge the duties of trustee of said fund, and to account for and pay all public money which may come to his hands. The covenant shall be recorded in the order book of the court, and the original retained by the clerk.

Collect fund
of present and
former clerks.

§ 2. That said trustee shall collect of the present and former clerk of said county court said fund in their hands, and, by inspection of the records of said court, ascertain the amount of said jury fund received by each of them, or in their hands, and enforce the payment thereof to him as trustee, by motion or other proceedings in the Jefferson circuit court.

§ 3. That it shall be the duty of the judge of said county court to appoint two commissioners ten days before each regular term of said court, to select twelve jurymen as required by the article 4, of chapter 55, of the Revised Statutes, and in all respects the said judge, clerk, and sheriff of said court, shall be governed by the rules and regulations established in said 55th chapter of the Revised Statutes, applicable to said county court.

§ 4. That this act shall take effect from its passage.

Approved January 23, 1865.

CHAPTER 681.

1865.

AN ACT to increase compensation of Assessors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the amount allowed assessors for their services under article 6, chapter 83, of the Revised Statutes, title "Revenue and Taxation," shall be twelve and one half cents for each list of taxable property, to be paid as heretofore. 2 R. S. p. 252.

§ 2. This act shall take effect from its passage, and be in force for the years 1865 and 1866.

Approved January 24, 1865.

CHAPTER 686.

AN ACT to amend article 12, chapter 83, Revised Statutes, title "Revenue and Taxation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the proceedings required by the 1st section of article 12, chapter 83, of the Revised Statutes, to be taken by the Auditor against sheriffs and others to compel the payment of revenue into the treasury, may be taken by the Auditor of Public Accounts at the fiscal term of the Franklin circuit court held in January of each year, or at any subsequent term of said court, whenever in his opinion the public interests will justify the postponement to a subsequent term: *Provided, however,* That the Auditor shall not postpone proceedings against any defaulting revenue officers beyond the second term of the Franklin circuit court succeeding such default. 2 R. S., 268.
Proceedings
against sheriffs,
&c.

Approved January 24, 1865.

CHAPTER 687.

AN ACT in relation to the office of State Librarian.

WHEREAS, It appears that the act approved March 2d, 1863, entitled "An act in relation to the office of State Librarian," was passed without entering upon the journals of this House the yeas and nays upon the final passage of said act; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the above recited act, approved March 2d, 1863, be, and the same is hereby, re-enacted and declared to be in full force; and the proceedings of the Librarian, in conformity to the provisions of said act, are hereby ratified and approved; and the Auditor of Public Accounts is hereby authorized to pay to the Librarian the compensation fixed by said act for his services thereunder. Acts 1863.

Acts of Librarian legalized.

§ 2. This act shall take effect from and after its passage.

Approved January 24, 1865.

1865.

CHAPTER 688.

AN ACT to allow the county judge of McCracken county to hold his quarterly or other courts at any place in the corporate limits of Paducah.

WHEREAS, The court-house of McCracken county, at Paducah, has been and still is occupied as a hospital by the Federal army; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be lawful for the judge of McCracken county court to hold the quarterly terms of his court, or any other court which by law it is his duty to hold, including the levy term, at any place in the corporate limits of Paducah.

Approved January 24, 1865.

CHAPTER 691.

AN ACT to regulate the fees of County Judges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed same fees as circuit clerks and justices.

See this vol. for fee bills.

Bastardy cases—fee.

§ 1. That the county judges of this Commonwealth, for all services rendered in the quarterly courts, where their jurisdiction is concurrent with the circuit court, shall be entitled to charge and receive the same fees allowed by law to clerks of the circuit courts for similar services; and where his jurisdiction is concurrent with justices of the peace, he shall charge and receive the same fees which justices of the peace are by law entitled to receive.

§ 2. For issuing a warrant for bastardy, one dollar.

§ 3. This act shall take effect from its passage.

Approved January 24, 1865.

CHAPTER 694.

AN ACT regulating the Fees of Constables.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That constables shall be allowed to charge and receive the following fees, viz:

For serving a summons in any civil case, on each defendant, before a justice of the peace.....	\$0 50
For serving a peace or search warrant, for each defendant	1 00
For levying an attachment.....	50
And the reasonable value for removing and taking care of any attached goods, to be allowed by the court.	
For summoning a garnishee.....	50
For taking up a vagrant.....	50
For summoning a witness.....	20
For collecting money under execution or other legal process, taking a replevin or forthcoming bond, or for a stay of execution, the same commission as may be allowed a sheriff, and one per cent. more.	

For collecting fee bills, twelve per cent.	
For summoning and attending a jury.....	1 00
For serving a notice on each person notified.....	25
For arresting and carrying a slave before a justice of the peace or other officer.....	50
For whipping a slave by order of an officer of competent authority, to be paid out of the county levy.....	50
For all other services he shall be allowed the same fees as sheriffs.	

1865.

§ 2. This act shall be in force from its passage.

Approved January 24, 1865.

CHAPTER 695.

AN ACT to regulate the Fees of Justices of the Peace.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter justices of the peace in this Commonwealth shall receive the following fees for the following services, to-wit:

For warrant or summons.....	\$0 25
For each subpoena for witnesses	20
For each original judgment	25
For recording same	25
For each execution	25
For order of attachment.....	25
For taking bond	25
For issuing summons for garnishee.....	20
For issuing a distress warrant for rent	25
For taking a replevin bond or recognizance	25
For swearing a person and giving a certificate	20
For taking depositions, same fees allowed examiners.	
For issuing a peace warrant	50
For presiding at trial for breaches of the peace.....	2 00
For superintending trial of writ of forcible entry or detainer, per day.....	2 00
For copy of record certified, two cents for every twenty words.	
For attending at the court of claims, or any county court where required to preside, per day, to be paid out of the county levy	2 00
For presiding at examining court, per day, to be paid out of the treasury,	2 00
For issuing warrant of arrest for witness or witnesses.....	25
For certifying record and papers on appeal	25
For entering and giving a post note of an estray, or boats or waste taken adrift	25
For order causing bulls, studs, or jacks running at large to be altered.....	25
For order commanding owner of distempered cattle to impound them	25
For taxing costs in each case.....	10
For entering each witness's attendance, and giving certificate thereof.....	10

§ 2. This act shall take effect from its passage.

Approved January 24, 1865.

1865.

CHAPTER 713.

AN ACT for the benefit of the Harlan county Circuit Court.

WHEREAS, It is represented to this General Assembly that, on account of the disturbed condition of the country, growing out of the present rebellion, that no circuit court has been held in Harlan county for three years; that the public buildings have been destroyed, and no circuit court is likely to be held in said county during the continuance of the present rebellion; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Circuit courts
of Clay & Knox
have concurren-
t jurisdiction
with Harlan
circuit
court.

§ 1. That the circuit courts of Clay and Knox counties shall each severally have concurrent jurisdiction with the Harlan circuit court on all civil actions which, by law, might now be brought in the Harlan circuit court; that all process or orders in provisional remedies issued from either of said courts, and executed in Harlan county, shall have the same force as if issued from the Harlan circuit courts; and executions on judgments rendered in any such case may be issued directly to the sheriff of Harlan county.

§ 2. This act shall take effect from its passage, and remain in force two years.

Approved January 26, 1865.

CHAPTER 726.

AN ACT to amend an act concerning Idiot Paupers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acts 1861, p. 49.

§ 1. That the provisions of an act, entitled "An act concerning pauper idiots," chapter 351, page 49, approved December 23, 1861, and afterwards extended to the years 1862 and 1863, chapter 736, approved January 27, 1863, be, and the same is hereby, so amended as to extend to, and be made applicable to, the years 1864, 1865, and 1866.

County judge
may hold in-
quests.

§ 2. That in those counties where no circuit courts are held, that the county judge shall have the same power to hold inquests on pauper idiots as is now granted the circuit judges.

§ 3. This act to take effect from its passage.

Approved January 26, 1865.

CHAPTER 727.

AN ACT to change the time of holding the Quarterly Courts in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the county court of Logan shall hold the quarterly courts in and for said county, to commence on the 1st Mondays in January, April, July, and October; and

all acts or parts of acts in conflict with this act are hereby repealed.

1865.

§ 2. That this act take effect from its passage.

Approved January 26, 1865.

CHAPTER 733.

AN ACT to authorize the Auditor of Public Accounts to contract with the Public Binder for the binding of the public books.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts shall contract with the Public Binder, on fair and reasonable terms, for the binding of the public books, not exceeding thirty-three per cent. advance on former rates for said work; which contract shall be examined and approved by the Governor before the money is paid.

Pay of Public Binder.

§ 2. All acts and parts of acts coming in the purview of this act shall be, and the same are hereby, repealed.

§ 3. This act to take effect from and after its passage.

Approved January 26, 1865.

CHAPTER 736.

AN ACT to repeal sections 13, 14, and 15, of article one, chapter 99, Revised Statutes, so far as applies to Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections thirteen, fourteen, and fifteen, of chapter ninety-nine, title "Taverns, Tippling-houses, &c.," article one, of said chapter, Revised Statutes, are hereby repealed: *Provided*, This act shall only extend to, and be applicable to, the county of Greenup.

2 R. S., p. 103.

§ 2. This act shall be in force from its passage, and remain in force two years, after which time the said sections, hereby repealed, shall be imposed

Approved January 27, 1865.

CHAPTER 744.

AN ACT to give concurrent jurisdiction to the Circuit and Quarterly Courts of the counties of Lawrence and Boyd, in all civil causes arising in the counties of Floyd and Pike.

WHEREAS, It is represented to this General Assembly that on account of the disturbed condition of the country, growing out of the present rebellion, that no circuit nor quarterly courts have been held in the counties of Pike and Floyd for three years; and whereas, no circuit nor quarterly courts are likely to be held in said counties during the existence of the present rebellion; therefore,

1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Courts of
Lawrence and
Boyd to have
concurrent
jurisdiction
with courts of
Pike and Floyd.

§ 1. That the circuit and quarterly courts of Lawrence and Boyd counties shall each, severally, have concurrent jurisdiction with the Pike and Floyd circuit and quarterly courts over all civil actions, which by law might now be brought in the Pike and Floyd circuit and quarterly courts. That all process or orders, in provisional remedies, issued from either of said courts, and executed in Pike and Floyd counties, shall have the same force as if issued from the Pike and Floyd circuit and quarterly courts; and executions, on judgments rendered in any such case, may be issued directly to the sheriffs of Pike or Floyd counties respectively.

§ 2. This act shall take effect from its passage, and remain in force three years.

Approved January 27, 1865.

CHAPTER 745.

AN ACT concerning Railroad Tax Receipts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Railroad tax
receipts may be
duplicated.

§ 1. That the owners of railroad tax receipts, and those holding such railroad receipts, as administrators, executors, or guardians, when such receipts have been lost, mislaid, or in any way mutilated or destroyed, may obtain duplicates of the same by first executing bond in the county court, to indemnify the said county court, or the railroad company, for any damages that may be sustained by said county court or railroad company by reason of the wrongful or fraudulent issuance of said tax receipts.

Clerk county
court.

§ 2. That the clerk of the county court is hereby authorized to deliver to the owners, or to any administrator, executor, or guardian of such owners, any railroad tax receipts that are or may be filed in settlements in his office, taking receipts for the same from those to whom the receipts are delivered.

Administra-
tors, &c., may
sell receipts.

§ 3. That administrators, executors, or guardians having in their possession, in their fiduciary capacity, any railroad tax receipts, may convert said receipts into railroad stock, or, when that is not practicable, may sell the same at a price not less than eighty-five cents on each dollar of said receipts.

§ 4. This act to take effect from its passage.

Approved January 27, 1865.

CHAPTER 749.

1865.

AN ACT to establish the office of Public Administrator and Guardian.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the several county courts of this Commonwealth shall within their respective counties appoint an officer to be called Public Administrator and Guardian, for the county of _____, who shall hold his office for the term of four years, and until his successor is appointed and qualified.

Public administrator and guardian.

Term of office.

§ 2. Said Public Administrator and Guardian, before he enters upon the discharge of the duties of his office, shall, in the county court of his county, take the oath required by the constitution, and further, that he will faithfully discharge the duties of his office, and give bond, with good security, to be approved of by the court, that he will faithfully and impartially discharge the duties of the office of Public Administrator and Guardian, for the county of _____, and in all respects conform to the laws governing him and his said office and the duties thereof.

Oath.

Bond.

§ 3. The several county courts of this State shall, by order of said court, confide for settlement, to said Public Administrator and Guardian, in their said county, all estates of deceased persons, where all of the executors named in any last will shall refuse to qualify, or refuse and fail to give bond and security; and no one shall apply for administration with the will annexed, or if no one who can give good security shall apply for administration of the goods and chattels of any intestate, or where, from any cause, there shall no personal representative of the estate of a deceased person, after the expiration of three months from the death of said person, and they shall further confide the care and control of all estates of all minors, where said minors may not have any guardian or curator, or where no one will apply for or serve as guardian or curator of the estate of any minor.

What estates he shall administer.

§ 4. The said Public Administrator and Guardian shall have all the powers, and be subject to the same liabilities, and governed by the same laws applicable to administrators and guardians,

Powers and liabilities.

§ 5. If, after any such estate shall be placed in the hands of said Public Administrator and Guardian, any one shall apply for the administration on the estate of any such deceased person, whose estate may have been so placed in the hands of the Public Administrator and Guardian, and shall give bond, and in all respects comply with the laws on the subject of administrators; or if any one shall apply to become guardian or curator of the estate of any minor, and shall comply with the laws relating thereto, the county court shall order the estate of such deceased person, or minor, out of the hands of said Public Administrator and Guardian, into the hands of such administrator or guardian or curator; and the Public Administrator and Guardian shall proceed to settle his accounts with such estate, and pay over the proceeds to the person so appointed and qualified.

When to surrender estates.

1865.

Estates—
how adminis-
tered.

§ 6. The estates of deceased persons, so coming into the custody and control of said Public Administrator and Guardian, shall be applied and distributed as similar estates in the hands of administrators and executors are; and the estates and property of minors shall be controlled, applied, and paid over, as similar estates and property in the hands of guardians.

Laws making
sheriffs admin-
istrators re-
pealed.

§ 7. From and after the time this act shall take effect, no estate of any deceased person shall be placed in the hands of the sheriff, on account of the want of a personal representative of said deceased person; and all laws imposing such duties upon the sheriff shall be repealed.

Suits on bond.

§ 8. Any person having a right to maintain an action for breach of the bond of said Public Administrator and Guardian may sue on said bond.

§ 9. This act to take effect on the first day of June, 1865.

Approved January 28, 1865.

CHAPTER 755.

AN ACT for the protection of Sheep in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Assessors to
list dogs.

§ 1. That the assessors of tax in this Commonwealth shall, annually, when taking the names of the tax-payers, take an account of the number of dogs over six months of age owned or possessed by each person, or kept about any one house. That there shall be a tax of one dollar levied on each dog. That the sheriffs of this Commonwealth shall be required to collect and account for said taxes in like manner as they now do for the State revenue: *Provided*, Each *bona fide* house-keeper shall be allowed to keep two (2) dogs free of tax.

Tax on dogs.

How collected.

Two dogs ex-
empt.

Taxes to go to
common school
fund.

§ 2. That the funds arising from this source shall be paid into and become a part of the common school fund for this Commonwealth, and be applied in like manner as other funds are applied for that purpose.

Damages for
injuries by dogs

When may be
killed.

§ 3. That every person owning, having, or keeping any dog, shall be liable to the party injured for all damages done by such dog; and it shall be lawful for any person to kill, or cause to be killed, any dog which he may find roaming at large on his premises without the presence of the owner or keeper of such dog; and it shall be further lawful for any person, at any time, to kill, or cause to be killed, any dog which may be or may have been found killing, worrying, or injuring any sheep or lambs; and when any person is sued for the killing of a dog, and his defense is under this act, he shall be a competent witness to prove the same.

Person killing
a competent
witness.

§ 4. This act to take effect from its passage.

Approved January 31, 1865.

CHAPTER 769.

1865.

AN ACT for the benefit of the Civil Officers of Clinton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Secretary of State to furnish Stanton's Revised Statutes, Harlan's and Monroe's Digest of the Decisions of the Court of Appeals, the Codes of Practice, the first, second, and third volumes of Metcalfe's Reports, and the Acts of the General Assembly of Kentucky from the year eighteen hundred and fifty-four to the year eighteen fifty-nine and sixty-one, extra sessions inclusive, to the clerks of the Clinton circuit and county courts and county attorney.

Public books
for
Clinton
county.

§ 2. This act to take effect from its passage.

Approved January 31, 1865

CHAPTER 782.

AN ACT to regulate the time of holding the Circuit Courts for the county of Fleming.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act the spring and fall terms of the circuit court for the county of Fleming shall commence on the first Monday in May and November in each year, and continue twelve juridical days if necessary.

Approved February 1, 1865.

CHAPTER 787.

AN ACT regulating the Fees of Assistant Secretary of State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter a fee of two dollars shall be paid the Assistant Secretary of State upon all remissions and respites of judgments due the Commonwealth, to be paid by the applicant.

Fees for re-
missions.

§ 2. This act shall take effect from its passage.

Approved February 3, 1865.

CHAPTER 788.

AN ACT to increase the Compensation of Sheriffs for Collecting the Revenue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sheriffs shall hereafter be allowed by the Auditor. § 2. S. p. 203.
the following commissions upon the sums collected and ac-

PUB. L.—2.

1865.

counted for or paid into the Treasury in each year: Upon the first thousand, ten per cent.; on the second thousand, eight per cent.; on the third thousand, six per cent.; on the fourth thousand, five per cent.; and on all above four thousand, four per cent.

§ 2. This act shall only apply to the collection of the revenue for 1865 and 1866.

Approved February 3, 1865.

CHAPTER 792.

AN ACT to amend the 22d Article of the 27th Chapter of the Revised Statutes, entitled "County Courts."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 R. S. p. 330

Fees of county
judge increased

§ 1. That the 22d article of the 27th chapter of the Revised Statutes, concerning the settlement of the accounts of fiduciaries, &c., be, and the same is hereby, so amended as to allow the county judges of this Commonwealth, for settling the accounts of fiduciaries in this Commonwealth, the sum of three dollars per day, to be paid out of the estate settled.

§ 2. This act shall not apply to the county of Jefferson.

§ 3. This act shall be in force from its passage.

Approved February 3, 1865.

CHAPTER 801.

AN ACT for the benefit of R. R. Bolling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer for sixteen dollars thirty-five cents, in favor of R. R. Bolling, to be paid out of any money in the treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved February 3, 1865.

CHAPTER 803.

AN ACT to amend Article 1, of Chapter 28, of the Revised Statutes, title "Crimes and Punishments."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 R. S. p. 371.

§ 1. That article 1, of chapter 28, of the Revised Statutes, title "Crimes and Punishments," be amended by an additional section, as follows: "That if any indictment pending in any of the courts of this Commonwealth shall be stolen, destroyed, or otherwise lost, it shall be lawful for the defendant or defendants to be again indicted for the offense, by another grand

jury, and, when the offense is a misdemeanor, the time intervening between the finding of the first and new indictment shall not be computed in the lapse of time or limitation that will bar the prosecution for said offense: *Provided*, Said new indictment shall be found and filed at or before the second court which may be held in the county after the loss or destruction of said indictment."

1865.

§ 2. This act shall be in force from its passage."

Approved February 3, 1865.

CHAPTER 806.

AN ACT to authorize the payment of claims against the State in counties where no circuit courts are held.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in counties where no circuit courts have been held in the year 1864, or where no circuit courts shall be held hereafter, on account of the disturbed condition of the country, growing out of the present rebellion, it shall be lawful for the committees of pauper idiots, and other persons having claims against the State, which, by existing laws, should be allowed by the circuit court of any such county, to prove the same before the circuit court clerk of said county, who shall certify the same, together with the proof thereof, under the seal of his office, to the Auditor of Public Accounts, who shall, upon the same appearing to him to have been proven according to law, issue his warrant on the treasury in favor of the committee or claimants, for the sum usually allowed by the circuit court in such cases.

May be allowed in certain counties by clerk of the circuit courts.

§ 2. This act shall take effect from its passage, and remain in force until circuit courts are held in said counties; and it shall be the duty of the clerk of the circuit court in each of said counties to notify the Auditor, by letter, when the circuit courts are held in said counties.

When this act shall cease.

Duty of clerk.

Approved February 3, 1865.

CHAPTER 807.

AN ACT for the benefit of James B. Lyne and Wm. H. Sneed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer for two hundred and eighty-four dollars, in favor of James B. Lyne, and for the same sum in favor of Wm. H. Sneed, to be paid out of any money in the Treasury not otherwise appropriated. The said sums are for the services of said Lyne and Sneed ren-

J. B. Lyne,
W. H. Sneed.

1865.

dered the joint committee of this Legislature to settle the accounts of Grant Green, late Auditor.

§ 2. This act shall take effect from its passage.

Approved February 3, 1865.

CHAPTER 809.

AN ACT to change the time of holding the Quarterly Courts in the county of Jessamine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly courts for the county of Jessamine shall commence its terms on the 4th Mondays in the months of February, May, August, and November, instead of the 2d Monday in each of said months, as now required by law.

§ 2. This act to take effect upon its passage.

Approved February 3, 1865.

CHAPTER 811.

AN ACT to change the time of holding the Court of Claims in the county of Jessamine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims for the county of Jessamine shall commence on the 3d Monday in the month of November in each year, instead of the 3d Monday in October, as now required by law.

§ 2. This act to take effect from its passage.

Approved February 3, 1865.

CHAPTER 819.

AN ACT to incorporate the Bank of Commerce, at Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate
name. § 1. That a bank is hereby established in the city of Louisville, to be called "The Bank of Commerce," and by that name shall have all the rights and privileges of a natural person, in suing and being sued, answering and defending, in all courts of law and equity.

Commissioners. § 2. That John Coleman, B. Dupont, Moses Bennett, Jno. D. O'Leary, and J. H. Rhorer, are hereby appointed commissioners. Any three or more of them may, at such time and place as suits their convenience, open books for the subscription of stock, which shall be in shares of fifty dollars each, and shall not exceed one hundred thousand dollars; and when one thousand shares shall have been subscribed,

Capital stock
—shares.

and not less than ten dollars per share paid thereon in cash, the stockholders may meet and elect five directors, who shall serve one year, and until their successors are elected. The directors may elect a president of their number.

1865.

Directors.

§ 3. The president and directors may adopt a seal, and change it at pleasure, appoint all necessary agents, and prescribe the manner of paying in the stock, and the transfer thereof; and should any subscriber to said stock fail to pay for his subscription of stock, the board of directors, after thirty days' notice to such delinquent, may sell the interest of such subscriber for the benefit of the corporation, and declare the same forfeited, together with any dividends thereon. They shall have a lien on the stock for debts due them before other creditors, except the State, and for taxes to the State. They may receive their own stock, at the market value, in payment of any debt due the bank.

Payment,
transfer & for-
feiture of stock.

§ 4. This corporation shall have all the rights and privileges of the chartered banks of the State, except they shall not issue paper as a circulating medium.

Rights and
privileges.

§ 5. They may receive money or other valuables on deposit, and loan out the same, deal in gold, silver coin, bullion, foreign and domestic exchange, loan its funds on mortgages and pledges of collateral security, and dispose of the latter as may be agreed on between the borrower and the bank. They may undertake the collection and investment of the income of its customers, and care of valuable articles, such as plate, jewels, bills, and title deeds, and may make a reasonable charge, formed on the value of such deposits.

Banking priv-
ileges.

§ 6. They may receive deposits from minors and married women, and the receipts and acquittances of such minors or married women shall be valid. They may issue certificates of deposits, and may allow any agreed interest thereon. They may hold all necessary real estate for the convenience of their business, or acquired in liquidation of any debts owing to the bank.

Deposits by
minors & mar-
ried women.

§ 7. It shall not be lawful for said bank to issue any note or bill to be used as currency; nor shall said bank, anything herein to the contrary, be authorized to charge more than a legal rate of interest upon any loans made by it.

Not to issue
notes for cur-
rency.

§ 8. The Legislature reserves the right to amend, alter, or repeal this charter at pleasure.

§ 9. The president and directors of said bank shall pay to the Treasurer of the State, on the 1st day of July in each year, twenty-five cents on each share of fifty dollars of the capital stock of said bank, and the same tax, *ad valorem*, upon the surplus fund of said bank that is charged upon the property of the State for revenue purposes.

Tax on stock
—when pay-
able.

§ 10. This act to effect from its passage.

Approved February 3, 1865.

1865.

CHAPTER 822.

AN ACT to protect Railroads and their use.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Penalty for
obstructing
horse railroad.

§ 1. That if any person shall willfully and maliciously hinder or obstruct any horse-railroad company in the use of its roads or tracks, or the passing of the cars or carriages of such company thereon, such person, and all who shall aid and abet therein, shall, for every such offense, be fined not exceeding fifty dollars, or be imprisoned not exceeding three months, or shall be both so fined and imprisoned.

Penalty for
using vehicles
on tracks of
such roads.

§ 2. Every person who shall, without the consent of the railroad company, use upon any horse-railroad, any omnibus or other vehicle with running gear fitted or adjusted to the track of such road, for the purpose of conveying passengers for hire, over and upon the track of such horse-railroad, shall, for each offense, be fined not exceeding one hundred dollars, or be imprisoned not exceeding three months, or shall be both so fined and imprisoned: *Provided*, That nothing in this section contained shall be so construed as to prevent the use on that part of the highway where such horse-railroad track is laid down of such vehicles as are ordinarily used on other highways.

§ 3. This act shall take effect from its passage.

Approved February 4, 1865.

CHAPTER 823

AN ACT to create the Office of Interpreter of the Jefferson Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Interpreter for
Jefferson cir-
cuit court.

§ 1. That the judge of the Jefferson circuit court shall have power to appoint, and, at his pleasure, remove from office, a fit and competent person to act as interpreter in the Jefferson circuit court; and he may appoint the same person interpreter of said court who is appointed to act in that office in the city court of Louisville.

Oath of office.

§ 2. That the interpreter of the Jefferson circuit court shall, before he enters on the duties of his office, take the oath to support the constitution, and against duelling, and well and truly and faithfully interpret the statements of witnesses he is required to interpret by the court, without favor or partiality to either party to any action.

Compensation.

§ 3. That the judge of said court may allow to said interpreter such fees for his services as shall be considered reasonable and proper; and such allowances shall be taxed as costs, to be paid as the claims of witnesses are certified and paid.

§ 4. This act shall take effect from its passage.

Approved February 4, 1865.

CHAPTER 825.

1865.

AN ACT to allow Town Marshals to charge the same Fees and Commissions allowed to Constables.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That town marshals within this Commonwealth be allowed to charge the same fees and commissions that are allowed to constables for similar services.

§ 2. That this act shall take effect from its passage.

Approved February 4, 1865.

CHAPTER 826.

AN ACT in relation to the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is directed, to furnish, upon the order of the court, all stationery that may be necessary for the use of the court while in session, and the members of the court in the proper discharge of their official duties.

Auditor to furnish stationery for Court.

§ 2. The court may appoint a janitor, whose compensation shall be allowed by the court, but not to exceed two dollars per day, and paid as other claims upon the Treasury.

Janitor.
His pay.

§ 3. The court may make allowance for all necessary expenses of the court while in session, to be paid as other claims upon the Treasury.

§ 4. The provisions of section two of this act shall be so construed as to empower the court to allowance to the janitor for services heretofore rendered to the court, and for which he has not been paid.

Special allowance for past services.

§ 5. This act shall be in force from its passage.

Approved February 4, 1865.

CHAPTER 827.

AN ACT to amend Chapter 44, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 44 of the Revised Statutes be amended as follows: That persons summoned as guards for the safe-keeping of prisoners confined in jail, or to assist an officer conducting a convict to the Penitentiary, or conveying a prisoner or person from one county to another, shall be allowed one dollar and fifty cents per day, other items to remain as now allowed, and all to be paid out of the treasury of the State, unless ordered to be paid by the county, under the provisions of section one, having first been established and allowed according to the provisions of section five of said chapter.

1. R. S., p. 522.

Pay of guards of prisoners and convicts.

§ 2. This act to be in force from and after its passage.

Approved February 4, 1865.

1865.

CHAPTER 832.

AN ACT to fix the Fees of Sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from the passage of this act sheriffs shall be allowed to charge and receive the following fees, viz:

For executing and returning process against each defendant	\$0 60
For serving an order of court and return	30
For summoning each witness	25
For summoning an appraiser and reviewer	40
For each day's attendance in the country on a jury, or attending a surveyor, when ordered by the court	1 00
For taking any bond which he is authorized or required to take in any action or proceeding, except sale or delivery bonds	50
For collecting money under execution or distress warrant, if the debt be paid or the property sold, or a delivery bond be given and not complied with, the sheriff shall be entitled to six per cent. on the first three hundred dollars, and three per cent. on the residue. When he shall levy an execution or a distress warrant, and the defendant replevies the debt, or the writ is staid by injunction, appeal, or other legal proceedings, or by order of the plaintiff, the officer shall have half of the above commissions, to be charged to the plaintiff, and collected as costs in the case.	
For taking a recognizance of a witness	25
For levying each attachment	60
And when the property attached shall be sold by another officer, the officer levying the attachment, the court shall, in the judgment, make the sheriff an additional and reasonable allowance for levying the attachment, and the fee of the officer for selling the property shall be lessened by that sum. And reasonable charges for removing and taking care of attached property, to be allowed by order of the court.	
For summoning a garnishee	50
For summoning a jury under the rioting act, or for disturbing religious worship, attending the trial, and conducting the defendant to jail, to be paid by the party convicted	2 00
For serving the process or arresting the party in such cases	50
All the costs to be paid by the party convicted.	
In collecting the county levy, or revenue tax, or any other tax allowed by special laws, the sheriff shall receive for the levy and selling of any property	50
And six per centum in addition, which sum shall be retained out of the money arising from the sale, and to be paid over and above the tax. He is allowed the same fees for collecting officers' fees, to be paid in the same manner.	
For serving an order or process of revivor	50
For each tenant or defendant, in executing a writ of possession	1 50
For executing <i>ca. se.</i> , the same commission as collecting money on execution. If the debt is not paid, but staid or secured, half commission.	
For summoning and attending a jury in a case of forcible entry or detainer, besides fees for summoning witnesses	5 00
For collecting militia fines and fee bills, twelve per cent.	
For serving a notice	25
For summoning a jury under a writ of <i>ad quod damnum</i> , besides his fees for summoning witnesses	4 00

For serving warrants or process of arrest in bastardy cases.....	2 00
For serving each order appointing surveyors of roads, to be paid out of the county levy	50
For serving each summons or order of court in applications concerning roads, to be paid out of county levy if the road is established, and in all other cases to be paid by the applicant	50
For like services in cases of private passways, to be paid by applicant.....	50
For reporting to the county court each person omitted to be reported for taxation by the commissioner of tax, to be paid out of the Treasury, and to be certified by the county court.....	50
For services rendered in cases in the quarterly courts, sheriffs shall be allowed the same fees given to constables in all cases where the amount claimed is fifty dollars or under.	

1865.

§ 2. In all other cases, for his services not specially provided for in this act, the sheriff shall be permitted to charge and receive the fees allowed by existing laws.

§ 3. That so much of this act, contrary to any local act fixing the fees of sheriff in Jefferson county, or marshal of the Louisville chancery court, passed during this session of the Legislature, shall not apply to said sheriff or marshal.

Sheriff Jefferson county.
Marshal Lon. Ch. court.

§ 4. This act shall take effect from its passage, and continue for three years; at the expiration of which time, sheriffs shall not be permitted to charge and receive any other or higher fee than is given by the now existing laws.

Approved February 4, 1865.

CHAPTER 838.

AN ACT to amend Section 1, Chapter 96, of the Revised Statutes, title "Strays."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1, of chapter 96, title "Strays," of the Revised Statutes, be so amended as to read as follows: Stray cattle may be taken up and posted by any freeholder by legal or equitable title, and by a tenant or occupant of the premises under a lease, or a keeper of a toll-gate, when found on their respective places of residence.

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1865.

CHAPTER 842.

AN ACT to amend an act, approved February 5, 1864, entitled "An act to amend the Revenue Laws."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section five, of an act approved February 5, 1864, entitled "An act to amend the revenue laws," be amended

Acts 1863-4.

1865.

Circuit clerks
not liable for
failing to take
receipts in cer-
tain cases.

Sheriffs to re-
turn receipts.

Penalty for
failure.

Acts 1863-4.

Sec. 11 amend-
ed.

as follows: The clerks of circuit courts shall not be held liable, under the provisions of said act, for failing to obtain the receipt of the sheriff for the process when it is issued to a county other than that in which the judgment was rendered: *Provided, however,* That it shall be the duty of sheriffs, to whom such executions shall be delivered, to transmit to the clerk issuing such execution a receipt therefor; and for failure so to do, said sheriff shall be liable to the penalties imposed by the existing law on clerks for failing to obtain receipts for such executions; nor shall he be held liable for failing to issue process on any replevin bond or judgment that may have been staid or respited by the Governor: *Provided,* He shall issue the same within thirty days after the expiration of the stay or respite; nor shall clerks be required to issue process upon any such judgment when he knows the defendant is dead.

§ 2. That section eleven be amended by striking out "Article eight," and inserting "Article six," chapter fifty-five.

§ 3. This act shall be in force from and after its passage.

Approved February 6, 1865.

CHAPTER 845.

AN ACT to amend the Revenue Laws of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Where taxes
payable.

§ 1. That from and after the passage of this act, it shall be the duty of the tax-payers of this Commonwealth to pay their taxes to the sheriff at the county seat of their respective counties, or such other place as he may designate by notice given, between the 1st day of June and the 15th of December of each year.

Sheriff to
keep office at
Court-house.

Kenton county.

§ 2. The sheriff shall keep an office at or near the court-house of his county, and shall, by himself or deputy, attend at said office every day, from the 1st of June to the 1st of October, to receive the taxes: *Providing,* That in the county of Kenton he shall keep an office, by himself or deputy, at Independence and in the city of Covington; and in the county of Campbell he shall keep an office, by himself or deputy, at Alexandria and in the city of Newport.

Penalty for
non-payment
of taxes.

§ 3. That if any tax-payer shall fail or refuse to pay his taxes, as above provided, the sheriff is hereby authorized to collect from such delinquent ten per cent. on the amount of his tax due the State, which shall be retained by the sheriff as additional compensation.

Notice to tax-
payers.

§ 4. The sheriff shall post up not less than three printed public notices in each election precinct in his county, at the most public places in said precinct, notifying the tax-payers at least thirty days before said tax is due, and where they are required to pay the same; and, in case he fails to post up said

notice as aforesaid, he shall not be allowed the ten per cent. on the tax due by the tax-payer.

1865.

§ 5. This act shall remain in force for two years from its passage.

•Approved February 7, 1865.

CHAPTER 846.

AN ACT to amend the Common School Laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the third section of the first article of the Revised School Laws be, and the same is hereby, so amended as to make it the duty of the Superintendent of Public Instruction, instead of the duty of the Auditor, as now provided, to apportion the revenue of the school fund to the several counties of the State, and to the several districts in each of the several counties thereof; and of the Auditor to furnish the Superintendent with a statement of such facts in his possession as may be required by the latter in making the apportionment.

Acts 1863-4, p. 24.

§ 2. That the sixth section of the second article of the Revised School Laws be, and the same is hereby, amended by the addition thereto of the following clause, to-wit: *Provided*, That nothing herein shall be construed as prohibiting the teaching of any other language or science.

Ibid, p. 27.

§ 3. That the fourth section of the third article of the Revised School Laws be, and the same is hereby, so amended as not to require the Superintendent of Public Instruction to furnish the Auditor with the school reports legally in his hands on the 15th day of February in each year, until such time as the drafts of the commissioners, with the direction of the Superintendent to the Auditor to honor them, be presented, and that then the reports be filed with the other papers presented therewith, in the office of the Auditor.

Ibid, p. 29.

§ 4. That if any school commissioner shall, for eight months after receiving the school moneys apportioned to his county, fail to pay out said moneys and make settlement therefor, and send a certified copy of said settlement to the Superintendent of Public Instruction, as required by the twelfth section of the fourth article of the Revised School Laws, the county judge of the county of such commissioner shall, upon receiving information of such failure from the Superintendent of Public Instruction, declare the office vacant, and proceed to fill it, the new commissioner to continue in office until the succeeding court of claims be held in said county.

Commissioner failing to disburse school money, to forfeit his office, Acts 1863-4, p. 31.

§ 5. That if, for twelve months after being notified by the commissioner of his readiness to disburse the school moneys apportioned to his county, the trustees of any school district in any of the counties of the State shall refuse or fail to receive the amount, in whole or in part, apportioned to their district, the commissioner shall return the balance remaining

Money to be returned, if trustees refuse to receive it.

1865.

Acts 1863-4, p.
33.Vacancy in of-
fice of school
commissioner,
how filled.Certain fees,
&c., payable
out of county
levy.

in his hands to the treasury, giving information to the Superintendent of Public Instruction of all the facts in the case.

§ 6. That the second section of the fifth article of the Revised School Laws be, and the same is hereby, amended by the addition thereto of the following clause, to-wit: And shall furnish a statement of the bounds of each district to the trustees thereof.

§ 7. That, for any county in which the office of school commissioner is or may be vacant, and in which it is or may be impossible for the office to be filled in the mode prescribed by the laws now in force, the Superintendent of Public Instruction shall appoint a resident of such or of an adjoining county to act as commissioner *pro tem.*, who shall take the oaths and give the bond required by law, and continue in office until a regular appointment can be made, unless sooner removed by the Superintendent.

§ 8. That no fees to county judges or clerks, and no discount on checks, or other incidental expense, shall be paid out of the distributable share of the revenue of the school fund apportioned to any county of the State. Discount or exchange on drafts or checks, together with any fees for which provision is now made or may hereafter be made in the laws of the State, must be paid out of the county levy, and not out of the school moneys apportioned to the districts.

§ 9. This act to take effect from its passage.

Approved February 7, 1865.

CHAPTER 847.

AN ACT to amend Section 11, Chapter 30, Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 R. S., 423.

Estate set
apart to widow,

That section eleven, chapter thirty, of the Revised Statutes, be amended as follows: That hereafter the same property shall be set apart for, and vest in, widows without infant children, as by said section is now set apart to widows who have infant children residing in the family; and it shall be the duty of appraisers to state within appraisement the articles and value of each set apart by them to widows separately from the articles appraised for sale; and this requisition shall be put into all orders of appointment by clerks of county courts, and no appraisement not in accordance herewith shall be received and recorded.

Approved February 7, 1865.

CHAPTER 848.

1865.

AN ACT to increase the Fees of Jailers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the fees of the jailers of this Commonwealth shall be as follows, and be paid as now provided by law:

For putting a prisoner in jail and releasing him.....	\$0 60
For keeping and dieting each prisoner, per day	75
For attending circuit court, per day	2 00
For attending county and quarterly courts (to be paid out of the county levy), per day	2 00
For furnishing fuel, lights, &c., to circuit and county courts, a reasonable compensation, to be allowed by the respective courts, the former to be paid out of the treasury, and the latter out of the county levy.	
For putting a prisoner in irons, beside the cost of the irons.....	50
For all other services performed by him, the same fees as sheriffs.	

§ 2. This act shall take effect from its passage, and to remain in force for three years.

Approved February 7, 1865.

CHAPTER 851.

AN ACT for the benefit of certain Common School Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Superintendent of Public Instruction be, and he is hereby, directed to certify to the Auditor and direct payment on the reports of the common schools taught in the districts hereinafter named: *Provided*, 1. That payment be made for said districts out of whatever, if any, part of the surplus for the school year 1864 may remain to the credit of the counties respectively in which said districts lie, after subtracting from said surplus for 1864 whatever, if any, amount may be necessary to balance the accounts of said counties respectively with the school fund: *Provided*, 2. That said districts shall not already have been paid: *Provided*, 3. That such of said districts as were taught less than three months for the years specified herein, shall be paid for the time only during which they were so taught: *Provided*, 4. That if, in the case of any county, there shall not be a remainder of surplus sufficient to pay all of the districts named herein as lying in such county, each of the said districts shall receive its *pro rata* of said remainder of surplus for 1864 for said county: *And provided*, 5. That the reports from said districts, duly made out, shall have been received by the Superintendent of Public Instruction previously to the 1st day of June, 1865:

Superintendent of Public Instruction to report and direct payment to certain school districts.
See list fol'ing.

1865.

Districts.		Counties.	Years for which taught.
Number			
16		Kenton	1864
"	7	Kenton	1863
"	26	Hart	1864
"	15	Lyon	1864
"	16	Lyon	1864
"	20	Lyon	1864
"	32	Logan	1863
"	8	Jefferson	1863
"	37	Jefferson	1863
"	45	Jefferson	1863
"	47	Jefferson	1863
"	2	Garrard	1863
"	23	Breathitt	1863
"	11	Lewis	1863
"	10	Simpson	1864
"	16	Simpson	1864
"	36	Marion	1864
"	28	Campbell	1863
"	15	Ballard	1862
"	19	Ballard	1862
"	6	Whitley	1863
"	9	Clinton	1861
"	60	Clay	1863
"	7	Larue	1863
"	24	Larue	1863
"	23	Edmonson	1862
"	34	Metcalf	1861
"	21	Monroe	1861
"	25	Monroe	1861
"	28	Monroe	1861
"	30	Monroe	1861
"	32	Monroe	1861
"	63	Shelby	1863
"	12	Butler	1863
"	51	Pulaski	1862
"	44	Warren	1863
"	45	Warren	1863
"	46	Warren	1863
"	25	Laurel	1863
"	27	Laurel	1863
"	34	Laurel	1863
Fraction	46	Laurel	1863
Number	10	Hickman	1863
"	20	Hickman	1863
"	11	Wayne	1861

Approved February 7, 1865.

CHAPTER 852.

1865.

AN ACT to further regulate the appointment of Attorneys *pro tem.* for the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful to appoint any one attorney for the Commonwealth *pro tem.* in any cause in which he has been previously engaged to prosecute for compensation; and any such person accepting such appointment shall be deemed guilty of a misdemeanor. 1 R. S., 188.

§ 2. This act shall take effect from its passage.

Approved February 7, 1865.

CHAPTER 866.

AN ACT to change the time of holding the Quarterly Courts of Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Green county court shall hold his quarterly court on the 1st Mondays in February, May, August, and November in each year, and continue at each term until the business of the term is completed: *Provided*, That this act shall not apply to the February term of said court for the present year; but the said term shall be held at the time now fixed by law.

§ 2. This act shall take effect from and after its passage.

Approved February 9, 1865.

CHAPTER 870.

AN ACT increasing the resources of the Sinking Fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the officers or managers of the banking associations which have or may hereafter be established within this State, under the act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," to file with the Auditor of Public Accounts a statement, verified by the affidavit of the presiding officer or cashier of the association, showing the amount of its capital stock, and the number of shares into which the same may be divided; and it shall be the duty of such officers or managers, annually, on the first Monday in July, to pay into the public treasury of the State, in aid of the Sinking Fund, a tax of fifty cents on each share thereof, equal to one hundred dollars of the capital stock of said association: *Provided, however*, That if the capital stock shall at any time be increased or diminished, it shall be the duty of such association to revise and amend the statement

Acts of Cong.
1863-4, p. 112

National Bank
to file statement
of stock &c.,
with Auditor.

Tax on stock.

1865.

required by this act, so as to exhibit at all times the true amount of capital stock held by such association.

§ 2. This act shall take effect from and after its passage.

Approved February 9, 1865.

CHAPTER 882.

AN ACT to regulate the holding of the fall terms of the Boone and Gallatin Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boone.
Gallatin.

§ 1. That the fall term of the Boone circuit court shall commence on the second Monday in September, and continue six juridical days; and that the fall term of the Gallatin circuit court shall commence on the third Monday of September, and continue twelve juridical days; all acts and parts of acts conflicting with this act is hereby repealed.

§ 2. This act shall take effect from its passage.

Approved February 9, 1865.

CHAPTER 883.

AN ACT to protect the Public Property of the county of Gallatin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ R. S., 823.
Injuries to
public prop'ty.

Penalty.

§ 1. That any person or persons, their aiders or abettors, who shall willfully destroy or in any manner injure the court-house, or court-house furniture, or the court-house yard fence, clerks' offices, or the furniture of said clerks' offices, the jail or jail furniture, public privy, or any other public property belonging to the county of Gallatin, shall be guilty of a misdemeanor, and may be indicted by a grand jury of said county and punished by fine of not less than double the value of the property so destroyed or injured, and, in any event, said fine shall not be less than two dollars and fifty cents, when the defendant is found guilty.

Courts having
jurisdiction.
Duties of jailer.

§ 2. Prosecutions may be had under the provisions of this act before any justice of the peace, police judge, or the county judge in said county; and it shall be the duty of the jailer of said county to take care of said property, and give information of the destruction or injury of any of the public property of said county, either to a grand jury of said county, or to the county or police judge, or a justice of the peace of said county. If to either of the latter named officers, they shall, upon such information, issue a summons or warrant of arrest against the party or parties supposed to be guilty of the offense, in the name of the Commonwealth, and directed to the sheriff, coroner, jailer, or any constable of said county, requiring the defendant to appear and answer for the misdemeanor. Prosecutions under the provisions of this act shall be conducted in the same manner, and the courts aforesaid shall have the

1865.

same jurisdiction as they now have over other misdemeanors; and, if the offense is of sufficient magnitude to exceed the jurisdiction of said courts, they are hereby authorized to hold the defendant or defendants to bail in a sufficient sum to secure their appearance in the circuit court of said county, to be there indicted and tried for said offense. The examination of the defendant and execution of bond, and the forfeiture thereof, shall all be governed by the same proceedings as is now provided by law in case of misdemeanors and felonies, except that one justice of the peace shall be sufficient for the examination.

§ 3. If judgment shall be rendered against any defendant or defendants under the provisions of this act, it shall be the duty of the officer to issue a *capias ad satisfaciendum* against such defendant or defendants, directed to the sheriff of said county, who shall collect said judgment; and all fines collected by him, and all forfeitures or recognizances, shall be for the use and benefit of said county, and he shall account for the same in his settlement of the county levy, and be responsible therefor upon his bond for the same, and liable on said bond to the same suits and motions as he is now by law for the county levy.

How fines collected.

§ 4. It shall be the duty of the county attorney to prosecute all misdemeanors under the provisions of this act.

County Attorney.

§ 5. This act shall not be construed to repeal or in any manner to conflict with the penalties now inflicted by law for the commission of such offenses, it being the object and intention of this act to provide additional remedies for such offenses as herein provided.

§ 6. This act to take effect from its passage.

Approved February 9, 1865.

CHAPTER 884.

AN ACT to amend the act increasing the jurisdiction of Justices of the Peace for Jefferson County, and to regulate proceedings in their Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That justices of the peace for Jefferson county, who have issued a warrant in any action where the matter in controversy exceeded the sum of fifty dollars, shall, within three months from the passage of this act, under oath, report to the county court of Jefferson county the number of such warrants by him issued since the 10th day of March, 1856, and the amount of the tax on said actions; and from and after this act takes effect said justices shall, semi-annually, on the first Monday in July and January of each year, report under oath to said court the number of actions brought before him, subject to said tax, and shall pay the amount received by him to the clerk of said court, and take his receipt therefor; and the amount of said tax heretofore received, or which should have been paid to any of said justices, shall, within three months from the passage

1 R. S., 353.

Justices to report to county court taxes on actions.

1865.

County court
clerk to exam-
ine justices'
docket.

How payment
of taxes en-
forced.

County clerk
to report to
Auditor.

Official bond of
Justices.

Surety of the
peace.

Forcible entry
and detainer.

Penalty for
false report of
taxes.

of this act, be paid by the justice owing the same to the clerk of said court, who shall enter the report and payment on the minutes of the proceedings of the court.

§ 2. That the clerk of the county court of Jefferson county shall, within three months from the passage of this act, examine the dockets of the justices of the peace within the city of Louisville, and report to the court the number of actions brought before each justice since the 10th day March, 1856, on which the tax of fifty cents should have been paid, and all fines and forfeitures which the Commonwealth is entitled to, which have been collected in said justices' court.

§ 3. That the judge of said county court shall, by summons, rule, attachment and fine, or imprisonment, enforce the payment of any and all sums found to be owing, or may hereafter be owing, by said justices for and on account of said tax on actions brought before him or them, and for any fine or forfeiture paid to him or them, and shall enforce the reports by this act required of said justices, and payment of the amount collected or received by him or them, as herein provided.

§ 4. That the clerk of said court shall, semi-annually, in the months of July and October, report to the Auditor the amount paid into court by said justices, or collected from them, and pay the same to the Treasurer; and the said clerk shall, for the services required of him by this act, be allowed a commission of eight per cent. on the amount paid to the Treasurer under the provisions herein; and the clerk and his sureties shall be bound on their bond for the faithful performance of the duties required of the clerk by this act.

§ 5. That it shall be the duty of justices of the peace, within the city of Louisville, to execute, before the said county court, a covenant to the Commonwealth, with good security, to be approved by the court, well and truly to make to said court the semi-annual reports and payments of the tax on actions brought before said justice, and any fine or forfeiture collected or received by him, as required by the first section of this act; and the said court shall, by summons, rule, attachment, and fine, enforce the execution of the bond required of said justice by this section.

§ 6. That justices of the peace, within the city of Louisville, shall have concurrent jurisdiction with the city court of Louisville of all cases of surety of the peace within said city.

§ 7. That writs of forcible entry or detainer, issued by justices of the peace within the city of Louisville, may be directed to and executed by the sheriff, or any constable of Jefferson county, and any of said constables may perform all the duties now required by law of sheriffs in such actions; and in such cases the fee of the sheriff or constable shall be, for summoning a jury, attending the trial, and executing the judgment of the court, one dollar and fifty cents; and a jury of six, unless objected to by one of the parties, shall be sufficient to try an action of forcible entry or detainer within said city.

§ 9. That the making of a false report of the number of the actions on which the tax of fifty cents is chargeable, shall

subject the justice making the same to the pains and penalties of false swearing.

1865.

§ 10. That this act shall take effect from its passage.

Approved February 9, 1865.

CHAPTER 885.

AN ACT to increase the Salary of the Secretary of State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the annual salary of the Secretary of State shall be fifteen hundred dollars, payable out of the treasury according to existing laws. Salary increased.

§ 2. This act to take effect from its passage, and to continue for two years.

Approved February 9, 1865.

CHAPTER 886.

AN ACT to regulate certain proceedings in Criminal and Penal Actions in the Jefferson Circuit Court and Examining Courts within Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no attorney at law shall be received by the Jefferson circuit court, or city court of Louisville, or any examining court within Jefferson county, as surety or bail on any bond or recognizance for any person charged with a violation of the criminal or penal laws, or disorderly conduct, breaches of the peace, or other violation of law, or upon replevin bonds upon judgments upon convictions for either of said offenses; and all persons offered as bail or surety shall, before being received as such, be first sworn as to his or her qualifications as such bail or surety.

Attorney at Law not to be taken as surety or bail.

§ 2. That it shall be the duty of examining courts within Jefferson county, in all cases heard before them under the criminal or penal laws of this Commonwealth, which the Jefferson circuit court now or shall hereafter have jurisdiction, to make all appearances and recognizances returnable immediately to the said court, provided the court is holding a criminal term; and the witnesses in all such cases shall be recognized to go before the grand jury of the court on its first session thereafter. In all other respects, such cases shall be governed by the rules and proceedings in criminal actions; but no bond or recognizance shall be invalid if the appearance of the defendant or witnesses is contrary to this act.

Recognizances returnable immediately in certain cases.

Witnesses

§ 3. That this act shall take effect from its passage

Approved February 9, 1865.

1865.

CHAPTER 368.

AN ACT for the benefit of the Kentucky Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation
for rebuilding.

§ 1. That the sum of ninety-eight thousand nine hundred and seventeen dollars and twenty-six cents (\$98,917 26) be, and the same is hereby, appropriated for the benefit of the penitentiary, to be expended for the following purposes:

For the erection of a work-shop, the sum of - \$53,293 45

For the erection of a chapel and dining-room, the sum of - 18,323 45

For the erection of a smoke-house, the sum of - 4,452 13

For steam heating apparatus for work-shop, chapel, and dining room, &c., the sum of - 11,000 00

For steam engine, boilers, shafting, belts, pumps, pulleys, &c., the sum of - 11,848 00

Commission'rs.

§ 2. That James H. Garrard, P. Swigert, John B. Temple, and such other competent person as they may select, are hereby empowered to contract for the execution of the work and the erection of the buildings contemplated by the first section of this act, with the present keeper, or other person or persons, according to plans submitted to them, and which they are to decide upon and adopt, having due regard to economy and durability of work, as well as to the adaptation of the buildings, machinery, and fixtures to the interests of the State and the general purposes for which they are to be erected. But said commissioners shall in no event exceed the amounts herein appropriated in making said contract. And the commissioners may make one contract for the erection and completion of all the buildings, machinery, &c., herein contemplated, or separate contracts for the erection of one or more of them, in their discretion: *Provided*, That the commissioners appointed by this section shall be required to advertise in the Frankfort Commonwealth, and two or more public papers in the city of Louisville, for thirty days, for proposals for contracts for said work, and shall let the same to the lowest and best bidder: *And provided further*, That the keeper shall have the preference at the lowest and best bid.

Contracts.

To advertise
for proposals.

§ 3. That said commissioners are hereby authorized to issue certificates to the Auditor, in favor of the contractor or contractors, for such sum as will pay for work done as it progresses, at such times as they may deem proper and expedient; but at no time shall they issue any such certificates for work which has not been done.

§ 4. Upon the receipt of any of the certificates provided for in the third section of this act, it shall be the duty of the Auditor to draw his warrant upon the treasury for said sum, corresponding with such certificate, to be paid out of any money in the treasury not otherwise appropriated: *Provided*, That in case the present keeper shall contract to do said work, or any part of it, he shall have credit for the work so done by him as it progresses upon the rents due from him to the State

so far, under the restrictions and limitations provided for in the third section of this act.

1865.

§ 5. That this act shall be in force from its passage.

Approved February 10, 1865.

CHAPTER 889.

AN ACT to authorize the issual of Marriage License in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if the female, with whom a marriage is intended to be had, is a resident of any county in which there are no officers to grant the license, it shall be lawful for the proper officer of any other county to issue such license according to the requirements of the law now in force, except in regard to residence; and the certificate of the marriage shall be returned to, and recorded in the county from which the license is issued: *Provided*, That the fact that there are no officers authorized to grant license in the county of the residence, shall appear by the affidavit of the parent or guardian of the former, if she is an infant, and by her own and the affidavit of her intended husband, if she is an adult, which affidavits shall be filed by the clerk: *And provided further*, That the application must be made in the nearest county where there are officers authorized to grant the license.

§ R. S., c.
Marriage li-
cense, how ob-
tained in cer-
tain cases.

Proviso.

§ 2. This act shall be in force from its passage.

Approved February 10, 1865.

CHAPTER 891.

AN ACT in relation to the Turnpike Roads in Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presidents of the various local boards in the State shall furnish a full and complete statement of the condition of the roads under their respective charges in which the State is a stockholder—their expenditures, receipts, and dividends—semi-annually, as now required by law to be made to the Auditor of the State, which report shall be forwarded to the chairman of the State board at Frankfort; the report shall be made out according to a form which shall be furnished by the Board of Internal Improvement for the State; and upon their failure to comply with the provisions of this act, the president of the local boards thus failing shall be subject to be removed from said office by the Chairman of the Board of Internal Improvement for the State.

Local boards to
report to Audi-
tor.

Form of report.

§ 2. This act to take effect from its passage.

Approved February 10, 1865.

1865.

CHAPTER 898.

AN ACT to amend an act, entitled "An act for the benefit of Persons Holding Lands lying back of other Lands in the vicinity of any of the Navigable Streams in this State."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acts 1857.

§ 1. That the act, entitled "An act for the benefit of persons holding lands lying back of other lands in the vicinity of any of the navigable streams in this State," approved 6th December, 1851, be so amended that in every inquest held under said act and this amendment, when the applicant indicates in his motion the time for which he wishes the road condemned, the damages shall be assessed for said time, and, at the expiration thereof, the road shall revert to the original proprietor of the land or his vendee.

§ 2. This act shall be in force from its passage.

Approved February 10, 1865.

CHAPTER 896.

AN ACT for the benefit of the Louisville and Frankfort and Lexington and Frankfort Railroad Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May increase
rates 10 per
cent.

§ 1. That the charters of the Louisville and Frankfort and Lexington and Frankfort railroad companies be, and the same are hereby, so amended as to authorize the said companies to charge for the transportation of persons and freight over their respective railways ten per cent. over and above the rates now authorized by their respective charters, and the various amendments thereto.

More less than
5 miles.

§ 2. That said companies are authorized to charge and collect fare for each way passenger traveling over their respective railways, any distance less than five miles, the sum of twenty-five cents.

State tax to be
paid to Treas-
urer.

§ 3. That the tax reserved in the charter of the Lexington and Frankfort railroad company shall hereafter be paid, by the president or treasurer thereof, directly to the State Treasurer, during the month of December, in each year, and the stockholders therein shall not be required, as heretofore, to list their respective stocks with assessors for taxation.

§ 4. The provisions of this act shall take effect from its passage, and be subject to repeal at the pleasure of the Legislature of this Commonwealth.

Approved February 14, 1865.

CHAPTER 897.

1865.

AN ACT to amend the 56th Chapter of the Revised Statutes—"Landlord and Tenant."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That attachments for rent within the county of Jefferson, where the amount is more than fifty dollars, shall be returned before the county court of said county, instead of the Jefferson circuit court.

2 R. S., 93.
Jefferson county.

§ 2. This act to take effect from its passage.

Approved February 14, 1865.

CHAPTER 914.

AN ACT to amend the law in relation to county levies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the county courts of this State may increase the county levy of their several counties to two dollars for each tithable in any one year.

1 R. S., 206.
May be increased.

§ 2. This act to take effect from its passage.

Approved February 14, 1865.

CHAPTER 927.

AN ACT to amend an act to authorize the formation of corporations for Manufacturing, Mining, Transporting, Mechanical, or Chemical purposes, passed March 10, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the provisions of the act, entitled "An act to authorize the formation of corporations for manufacturing, mining, transporting, mechanical, or chemical purposes," passed March 10, 1854, be, and they hereby are, extended to the formation of companies for the purpose of boring or digging for petroleum or rock oil, or of refining the same; and all companies heretofore formed, since the passage of the said act, in accordance with its provisions, for either of the purposes named in this section, are hereby allowed and confirmed.

1 Acts 1853-4,
179.

Extended to
oil companies.

§ 2. That so much of the said act as forbids the division of the capital stock of any company formed under its provisions, into shares of not less than twenty-five dollars each, is hereby repealed; and any company heretofore formed under the provisions of the said act, whose capital stock is divided into shares of not less than twenty-five dollars each, may, by a vote of a majority of the stock, taken at a meeting of stockholders called for the purpose, divide their stock into shares of less value: *Provided*, That upon any such reduction in the value of the shares of the stock of such company, the president, directors, or a majority of them, and the secretary of such com-

How stock divided.

1865.

pany, shall sign and acknowledge a certificate in writing, setting forth the reduction in value of the shares of said stock, and cause the same to be filed in the office of the clerk of the county court of such county, which shall be placed upon record, and a duplicate thereof in the office of the Secretary of State.

§ 3. This act shall take effect from its passage.

Approved February 15, 1865.

CHAPTER 938.

AN ACT to regulate the Establishment of Ferries in Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 R. S., 543.

§ 1. That section 24 of chapter 89 of the Revised Statutes be, and the same is hereby, repealed.

Jurisdiction
over ferries in
Jefferson coun-
ty transferred
to city.

§ 2. That the county court of Jefferson county shall not have power or authority to establish ferries within the limits of the city of Louisville, or to fix or control the rates of ferriage, or in any manner regulate said ferries or their tolls; and the power and authority to establish ferries within the limits of the city of Louisville are hereby granted to and vested in said city, for its benefit; the mayor and general council of which city shall have power, not only to establish said ferries, but to regulate and control the same, and fix the maximum rates of ferriage to be charged and collected by any and all ferries running within the limits of said city, and to prescribe adequate fines and penalties to enforce the same, and to force a compliance with the regulations established by the general council; and said general council may levy and collect such *ad valorem* tax, or may rate and license and tax said ferries, as said council may deem reasonable and proper: *Provided, however,* That the city of Louisville shall establish, in favor of Wm. C. Hite, P. Varble, Richard H. Woolfolk, and Wm. J. May, under the style and name of the North and South Ferry Company, on their application to said city, a ferry privilege, at such point on the Ohio river, between Floyd and Clay streets, in said city, as may now be owned or may hereafter be owned or leased by said North and South Ferry Company, or may establish any other company applying for similar privileges within the city of Louisville, to be governed by the rules and regulations provided for in this act and laws regulating ferries: *Provided,* That the landing be not within four hundred yards of any ferry existing at the time of said application. If the persons hereinbefore named do not make said application for a ferry privilege within thirty days from the passage of this act, then either of said persons, with his associates, may make said application to the authorities of said city for said ferry privilege: *And provided further,* That, if the city council of Louisville refuse or overrule applications, an appeal may be taken by the applicants to the circuit court of Jefferson

City may levy
and collect tax
on ferries.

North and
south ferry.

If city refuse
application of
said company,
they may ap-
peal to circuit
court.

1865.

Appeal.

county, which may hear and determine the case as fully as the city authorities of Louisville could do; and to enforce the determination, by process of contempt against the mayor and council of Louisville, the parties shall have the right of appeal to the court of appeals from the judgments of the circuit court: *Provided*, That when any person or persons owning or entitled to any portion of the land on the shore of the Ohio river, in the city of Louisville, shall desire to establish a ferry therefrom across said river, such person or persons may apply to the county court of Jefferson county for the establishment of such ferry; and such application shall, in all respects, be governed by the general laws relating to the subject of ferries.

§ 3. All acts and parts of acts coming within the purview hereof, and which may be inconsistent herewith, are hereby repealed; and this act shall take effect from and after its passage.

Approved February 22, 1865.

CHAPTER 939.

AN ACT to amend Section 3 of Article 6, Chapter 27, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of article six, chapter twenty-seven, of the Revised Statutes, be so amended as to read as follows: The reporter of the decisions of the court of appeals shall be allowed after the rate of one dollar and fifty cents for every one hundred pages of the decisions, tables, and indexes, printed and well bound in calf-skin, with good indexes and marginal notes—the court to certify that the work meets their approval, and was published by their consent.

1 R. S., 307
Compensation of reporter.

§ 2. Upon the deposit of three hundred copies of a volume of reports, so published, with the Secretary of State, he shall draw an order on the Auditor of Public Accounts for the price, whereupon it shall be the duty of the Auditor to issue a warrant on the public treasury for such price.

Deposit with Secretary.

§ 3. This act to take effect from and after its passage, and to continue in force two years.

Approved February 22, 1865.

CHAPTER 940.

AN ACT to increase the salary of the First Clerk in the Land Office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That two hundred dollars, in addition to the present salary, be, and is hereby appropriated, annually, to the first clerk in the land office, to be paid as salaries are now paid by law.

Increase of salary.

§ 2. This act shall take effect from its passage, and continue two years.

Approved February 22, 1865.

1865.

CHAPTER 943.

AN ACT to prevent procuring Substitutes in this State for persons out of this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Substitute
brokers.

§ 1. That if any one shall, for any pay or pecuniary consideration, furnish or procure any substitute for any person drafted, or subject to draft, or enrolled for draft in any other State than the State of Kentucky, he shall be deemed a "substitute broker."

Penalty upon
brokers.

§ 2. If any substitute broker, by himself or agent, directly or indirectly, shall, for the purpose of procuring any person as a substitute who may be a resident of the State, or domiciled in the State at the time, procure or attempt to procure any person as a substitute for any person not drafted in this State, or not enrolled for draft in this State, or not resident in this State, such person, their aiders and abettors, shall be guilty of a misdemeanor, and shall, upon the conviction of a jury, be fined any sum not exceeding \$1,000, or be imprisoned not exceeding one year, or be so fined and imprisoned, at the discretion of the jury.

§ 3. This act shall be in force from its passage.

Approved February 22, 1865.

CHAPTER 946.

AN ACT to define and establish the Boundary Line between Carter and Greenup counties west of Tygert's creek.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Greenup and
Carter counties
—dividing line.

§ 1. That that part of the dividing line between the counties of Greenup and Carter, lying west of Tygert's creek, be, and the same is, established as follows: Beginning on the old line between Greenup and Carter counties, at a beech tree originally marked, and now a line tree between said counties, which tree stands on the point of the hill on the old county road near the old Daniel McLease farm, on the east side of Tygert's creek; thence a straight line to the point of the hill or ridge on the west side of Tygert's creek, nearly opposite the late residence of said McLease; thence up said hill or ridge to the top thereof, and with said ridge, on the top thereof, to the head of Harvey Branch; then down said branch to its mouth or entrance with Buffalo creek, a fork of Tygert; then across Buffalo Fork to the dividing ridge between Buffalo Fork and Grassy creek, and with said ridge, along the top thereof, to where said ridge intersects the dividing line between lots seventeen and twelve of the Graham 80.406½ survey; then north forty-five degrees east, with the line between said lots and lots thirteen and eighteen of said survey, across Grassy creek and Three Prong creek to a corner common to lots eighteen, nineteen, thirteen, and fourteen; thence with

the line dividing lots thirteen and fourteen, eight and nine, to the Lewis county line.

1865.

§ 2. This act shall take effect from its passage.

Approved February 22, 1865.

CHAPTER 949.

AN ACT for the benefit of the Commonwealth's Attorney in the Seventh Judicial District.

WHEREAS, By an act of the General Assembly heretofore passed, giving to the city court of Louisville jurisdiction in all cases of misdemeanor arising in the city of Louisville, convictions in which would be profitable to the Commonwealth's Attorney of that district, the perquisites of his office are reduced below those of the attorneys of other districts, and it is deemed just and reasonable that he should be placed upon an equality with the other Commonwealth's Attorneys; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commonwealth's Attorney for the seventh judicial district shall be entitled to forty per centum of the amount of all judgments upon forfeited bail bonds and recognizances returnable to, or for appearance in, the Jefferson circuit court, to be paid out of the judgment and not otherwise.

Increase of per centum on forfeitures.

§ 2. This act shall take effect from its passage.

Approved February 22, 1865.

CHAPTER 955.

AN ACT for the benefit of the Incorporated Banks of Issue of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the authority of all incorporated banks of this Commonwealth to issue or re-issue their notes or bills to circulate as money or currency, shall cease and be suspended for the period of three years from the time this act shall go into effect as to each bank.

Issue of notes suspended for 3 years.

§ 2. Any incorporated bank of this Commonwealth may purchase not exceeding one third its capital stock, at not less than its par value; and the stock so purchased shall be canceled and deducted from its capital stock; and any such bank may also reduce the number or change the location of its branches.

May buy in its stock, and change and reduce branches.

§ 3. The incorporated banks of issue of this Commonwealth are hereby authorized to deduct from the amount of circulation appearing on their books to be outstanding, the estimated amount of notes lost and destroyed; but the amount so deducted shall not be carried to the account of profits, nor form any part of the basis of dividends, but shall be carried to the

Lost notes.

1865.

fund to cover losses, and there remain until the bank is wound up.

May deal in
bonds, securi-
ties, &c., of U.
S., &c.

§ 4. That the banks of issue of this Commonwealth, during the three years named in section one, may deal in the bonds, securities, and evidences of debt of the United States, or of the State of Kentucky, or of any corporation in the State of Kentucky, and may loan money or discount bills on the pledge of their own stock—not, however, exceeding eighty per cent. of its par value.

Bonds, &c.,
pledged for mo-
ney loaned,
how transfer'd.

§ 5. That where money shall be loaned or bills discounted by any bank incorporated by this Commonwealth, upon pledge of the bonds, securities, or evidences of indebtedness of the United States, or of the State of Kentucky, or of any corporation, or of the stock of any corporation, the bank shall have the power of selling and transferring the title of the bonds, stocks, securities, and evidences of indebtedness in such manner and on such terms as the parties may agree in writing, either at the time of making the pledge or afterwards.

How banks
may obtain
benefits of this
act.

§ 6. That this act shall not go into effect as to any bank of issue of this Commonwealth until, at a regular or called meeting of the stockholders of such bank, the majority in interest of the stockholders present and voting shall, by resolution, accept the provisions of this act as an amendment of their charter. The said resolution of acceptance shall be duly recorded on the books of the bank, and a copy thereof certified by the president and cashier to the Governor, who shall issue his proclamation that the bank so accepting has ceased to be a bank of issue for said period of three years named in section 1, and that at the end of ninety days thereafter its notes or bills shall no longer circulate as money or currency; which proclamation shall be published, at the expense of the bank, for ten days in a newspaper published in Frankfort (if there be one) and in Louisville, and in one newspaper (if such there be) published in the town or city where the principal bank is situated. From and after the end of ninety days next ensuing the publication of said proclamation, the bank notes or bills of such bank then outstanding shall no longer circulate as money or currency for said period of three years, but be placed, in all respects, on the footing of promissory notes of individuals, and the bank shall cease, for the period of three years, to be a bank of issue or circulation; and such bank is prohibited from issuing any other bank notes, and from reissuing such as have been or shall be redeemed, or from issuing any bill or instrument to circulate as money or currency during such period.

Governor's
proclamation.

May deal in
bills of ex-
change.

§ 7. That during the three years named in the 1st section of this act, the said banks of issue shall not be restricted as to the amount of their capital stock which they may invest in bills of exchange; but it is hereby declared that said banks shall charge no greater rate of interest or exchange than that now allowed by existing laws.

§ 8. This act shall take effect from and after its passage.

Approved February 22, 1865.

CHAPTER 966.

1865.

AN ACT to continue in force an act, entitled "An act authorizing the Governor to remit the damages on Judgments against defaulting Officers."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act authorizing the Governor to remit the damages on judgments against defaulting officers," approved February 19, 1864, be, and the same is hereby, continued in full force and effect until the first day of March, 1866.

Acts 1863-4, 85.

§ 2. This act shall take effect from and after its passage.

Approved February 22, 1865.

CHAPTER 968.

AN ACT to establish an Agricultural College in Kentucky.

WHEREAS, The curators of the Kentucky University propose to locate their university in Fayette county, in or near the city of Lexington, and said curators and the trustees of Transylvania University propose to consolidate the two universities, and all the funds and property of each, into one corporation, under the name of the Kentucky University; and it appearing that said curators have a cash endowment of two hundred thousand dollars, yielding an annual income of about twelve thousand dollars, and that there are cash funds of Transylvania University, to be united with them, of fifty-nine thousand dollars, yielding an annual income of over three thousand five hundred dollars, besides the grounds, buildings, library, apparatus, and other property of Transylvania University, of the value and cost exceeding one hundred thousand dollars; and said institution, when so consolidated, proposes to raise an additional one hundred thousand dollars to purchase a farm and erect all the necessary buildings and improvements to carry on the operations of an Agricultural and Mechanical College, and connect therewith a model or experimental farm, with industrial pursuits, to enable such pupils as choose to do so to sustain themselves, in whole or in part, while acquiring their education; and further propose, that the State of Kentucky shall establish the Agricultural and Mechanical College of Kentucky as one of the colleges of Kentucky University, thus consolidated, and endow the same with the income of the fund which shall arise from the sale of land scrip granted to Kentucky by the Congress of the United States for the purpose of establishing said college; and upon the State of Kentucky so establishing and endowing said college, the curators of Kentucky University will furnish, in reasonable time, all the necessary lands, buildings, apparatus, &c., for such college, and proceed at once to organize said college, and put the same in operation in accordance with this act and the act of Congress, and subject to the visitatorial control of the State of Kentucky, in its organization and general management, and with the sole control, by the

Preamble.

1865.

State, of its said fund, in keeping the principal of the same perpetually secure; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Agricultural
College of Ky.
established.

§ 1. That there shall be, and is hereby, established, the Agricultural and Mechanical College of Kentucky, located in the county of Fayette, in or near the city of Lexington, which shall be a college of Kentucky University.

Object of, and
branches of
learning taught
in said College.

§ 2. *Be it further enacted,* That the leading object in said college shall be to teach such branches of learning as are related to agriculture and the mechanical arts, including military tactics, without excluding other scientific and classical studies, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

Professorships.

§ 3. *Be it further enacted,* That to effect the said leading object of said college, there shall be established therein the competent number of professorships for teaching the sciences related to agriculture and the mechanical arts, including military tactics, which professorships shall be filled by able and competent professors, aided by such assistants, tutors, and other instructors, as shall, from time to time, be necessary; and, as a part of said college, there shall be conducted an experimental or model farm, with the usual accessories thereto, and of size proportioned to the number of students; and on said farm, and in the mechanical arts, there shall be provided to the students opportunities for industrial pursuits, at stated times, whereby agriculture and the mechanical arts may be practically learned, and the student enabled to earn his support while being educated, in whole or part, by his labor and industry.

Model farm.

In appointing
professors and
other officers,
no sectarian
preference or
partiality to be
shown.

§ 4. *Be it further enacted,* That in the appointment of professors, instructors, and other officers and assistants of said college, and in prescribing the studies and exercises thereof, and in every part of the management and government thereof, no partiality or preference shall be shown to one sect or religious denomination over another; nor shall anything sectarian be taught therein; and persons engaged in the conducting, governing, managing, or controlling said college and its studies and exercises, in all its parts, are hereby constituted officers and agents of the whole Commonwealth, in faithfully and impartially carrying out the provisions of this act for the common good, irrespective of sects or parties, political or religious.

Curators of
Ky. University
to organize
college, appoi't
professors, &c.

§ 5. *Be it further enacted,* That the curators of Kentucky University shall organize said Agricultural and Mechanical College by establishing the proper professorships and officers, with the salaries and compensation thereof, and filling the same, from time to time, by their appointments; provide the necessary grounds, buildings, and improvements, and conduct, carry on, and manage the said college, as provided in this act; and said curators, to aid them in conducting said college and defraying the expenses thereof, shall receive all the income of the fund which shall arise from the sale of the

1865.

land scrip granted to the State of Kentucky by the act of Congress, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanical arts," approved July 2d, 1862; and which income shall be appropriated by said curators to the payment of the salaries of the professors, and other officers and employes of said college, and other expenses of conducting the same, and the farm and industrial pursuits incidental thereto, and to no other purpose whatsoever: *Provided*, That a majority of the professors of said college shall not at any one time belong to the same ecclesiastical denomination.

Acts of Congress 1861, 2, p. 503.

No one sect to have majority of professors.

§ 6. *Be it further enacted*, That the Governor, with the advice and consent of the Senate, shall appoint six visitors of said college, who shall constitute the Board of Visitors thereof, and appoint one of their number Chairman of the Board; and said Board shall have, at all times, full power to inspect and examine into all the details of the managing and conducting of said college, and to see that all the provisions of this act are carried into complete effect, according to their true meaning and intent; and it shall be the duty of said Board to point out to the curators of Kentucky University all defects or departures from the provisions of this act, in conducting and managing said college, and suggest the proper mode of correcting them; and said curators shall proceed to correct them; and it shall be further the duty of said Board of Visitors to report to every biennial meeting of the General Assembly the condition and management of said college; and if, at any time, it shall appear to the General Assembly that the curators have persisted in not carrying the provisions of this act into effect, according to their true object and spirit, and in disregarding the requirements of the Board of Visitors, it shall be lawful to deprive, either temporarily or permanently, said college of the endowment of the income of the fund aforesaid. The visitors shall hold their office for two years, and until their successors are appointed. Vacancies in said board by death, resignation, or expiration of term of office, during the recess of the General Assembly, shall be filled by the Governor until the end of the next succeeding session.

Visitors appointed by Governor.

Duties and power of visitors.

Term of their office.

Vacancies.

§ 7. *Be it further enacted*, That so soon as the said college is organized for the reception and proper instruction of pupils, the curators shall make known the same to the Governor and President of the Board of Education; and thereupon, each representative district of the State shall be entitled to send to said college, free of charge for tuition, one properly prepared pupil for each member said district is entitled to elect to the General Assembly; and when the whole of the said land scrip shall be sold and invested, each district shall be entitled to send three of such properly prepared pupils to said college for each member the district is authorized to elect. Said pupils shall have the right of receiving, free of charge for tuition, the benefit of any instruction given in any of the colleges or classes of the university, except those of law and medicine.

Pupils when to be received, and how free of tuition.

State pupils admitted to all the University.

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How selected.
When this act
to take effect.

The pupils shall be selected by the majority of the justices of the peace of said districts.

§ 8. *Be it further enacted,* The provisions of this act shall not go into effect until Transylvania University and Kentucky University shall be consolidated into one corporation, under the name of the Kentucky University, and the funds, property, &c., of Transylvania University shall be vested in the curators of Kentucky University, as successors of the trustees of Transylvania University; nor until the curators of Kentucky University shall, by resolution, assent to all the provisions of this act, and accept this act as part of its charter. A copy of said resolution, and of the action of the trustees of Transylvania University, and the curators of the Kentucky University, in accepting said consolidation, shall be laid before the Governor; whereupon he shall, by writing, signed by him, and under the seal of the State, authorize the curators of the Kentucky University to organize the Agricultural and Mechanical College of Kentucky, in pursuance of this act.

§ 9. The General Assembly reserves the right to modify and repeal, at pleasure, so much of this act as refers to the establishment of the Agricultural and Mechanical College.

Approved February 22, 1865.

CHAPTER 997.

AN ACT to amend Chapter 5th, Article 1st, Section 3, Revised Statutes, title "Auditor."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in lieu of the salaries now provided by law, the following shall be paid, viz:

Auditor's salary.

The Auditor shall receive an annual salary of two thousand dollars.

Assistant Auditor's salary.

The Assistant Auditor shall receive an annual salary of fifteen hundred dollars.

Clerks' hire.

To the Auditor, to enable him to pay such clerks as he may deem necessary for the discharge of the business of his office, the sum of seven thousand dollars; also, the sum of two hundred dollars per annum, as compensation for a porter to the Auditor and Treasurer, to be paid and drawn in the same manner as now provided by law from the treasury.

Porter.

Act to continue 3 years.

§ 2. This act to continue in force for three years, and after that date they shall receive the same salaries now provided by law.

§ 3. This act to take effect from and after its passage.

Approved February 23, 1865

CHAPTER 1000.

1865.

AN ACT to amend the Revenue Laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the circuit and county court clerks, and all other officers who are now required by law to make report of taxes and other public moneys to the circuit courts, to make said reports up to and including the first day of each circuit court, whether said court is held or not, and account for and pay over all taxes and moneys so reported to the trustee of the jury fund, in the same manner as now required by law, taking duplicate receipts, and forward one thereof to the Auditor of Public Accounts; the reports to be entered of record in the circuit court order book by the circuit court clerk at the time of being made, and may be signed by the circuit judge, with the proceedings of the first day said circuit court may be held thereafter.

Circuit and county clerks to report to trustee of jury fund whether court meets or not.

Take duplicate receipts and send one to Auditor.

§ 2. It shall be the duty of the trustee of the jury fund, at the close of each term of a circuit court, if held, and if not, to make out a settlement, as now required by law, exhibiting the total funds received from all sources, and file the same with the circuit court clerk, who shall enter the same of record in the order book of said court at the same time the reports of circuit and county clerks are entered, mentioned in the 1st section of this act, to be signed by the circuit judge, as required by the 1st section of this act.

Trustee of jury fund to file settlement with circuit clerk to be recorded.

§ 3. It shall be the duty of the clerk of the circuit court, immediately after the reports mentioned in this act are entered of record, to make out complete certified copies of said reports of the clerks and trustees of the jury fund aforesaid, and forward them to the Auditor of Public Accounts.

Said reports to be sent to Auditor.

§ 4. Any circuit court clerk, county court clerk, or trustee of the jury fund, who shall fail to perform any duty required of him by the provisions of this act, may be fined, on motion in the Franklin circuit court, at any regular term thereof, on ten days' notice by the Auditor to said clerk, trustee of the jury fund, or the administrator, executor, or securities of said delinquent clerk or trustee, the sum of one hundred dollars for each failure.

Penalty for failing to make said reports, &c.

§ 5. The reports required by circuit and county court clerks, and settlement with trustee of the jury fund, required by this act, shall, in the absence of the Commonwealth's attorney, be examined and approved by the county judge or county attorney, indorsed thereon, as now required by law. Each report must be subscribed and sworn to by the said clerks and trustees of the jury fund.

Reports to be examined by county judge or attorney, in absence of commonwealth's attorney.

§ 6. The provisions of this act shall not apply to the county of Jefferson.

§ 7. This act shall take effect from its passage.

Approved February 23, 1865.

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CHAPTER 1007.

AN ACT to fix the salary of the Chairman of the Board of Internal Improvement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Salary increased.

§ 1. That the salary of the Chairman of the Board of Internal Improvement shall be fifteen hundred dollars annually, and that the Auditor shall issue his warrant for said sum at the same time that other State officers are paid.

§ 2. This act to take effect from its passage, and be in force for two years.

Approved February 23, 1865.

CHAPTER 1010.

AN ACT to increase the salaries of the Circuit Judges of this Commonwealth, and the Chancellor of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Salary increased.

§ 1. That hereafter the salaries of judges of the State shall be as follows, viz: The circuit court judges shall receive an annual salary of two thousand dollars; the judge of the Louisville chancery court shall receive an annual salary of two thousand dollars, to be paid as salaries are now paid.

§ 2. This act to take effect from the date of its passage, and remain in force for two years.

Approved February 23, 1865

CHAPTER 1035.

AN ACT to incorporate the Washington Bank of Springfield, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name.

§ 1. That there is hereby established a bank of deposit in Springfield, Kentucky, with a capital of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body politic and corporate, by the name and style of the Washington Bank, and shall so continue for twenty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

Directors—election, duties, and powers.

§ 2. Said bank shall be under the control and direction of six directors, each of whom shall be stockholders; they shall be residents of this State, and, after the first election, shall be elected annually, on the second Monday in January in each year, and hold office until their successors are elected and qualified; they shall elect one of their number president, and shall

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hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be had whenever deemed necessary; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company, remaining unsold, as they may, at any time, choose to sell, to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bond to secure the faithful performance of their duties, as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish but said corporation shall have a lien on the stock to secure any indebtedness by the stockholder.

Subscription of stock.

Officers to give bond.

Stock, personal property.

§ 3. Hugh McElroy, C. R. McElroy, L. J. Smith, Alex. Hamilton, R. J. Browne, John Letsey, J. R. Hughes, R. H. Hamilton, and Thos. Grundy, are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock; and when two hundred shares have been subscribed, it shall be their duty to give notice, by printed advertisement, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be made as follows: five dollars on each share at the time of subscribing, and twenty dollars within ten days after the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every thirty days: *Provided*, That after ten thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue; and should any of the subscribers fail to pay for their subscriptions of stock, as herein provided, after giving notice to them of their intention, for thirty days, the directors may, by resolution entered on their records, forfeit such stock and re-sell the same at such time as they may deem expedient; and all partial payments made on any stock which shall be then forfeited, shall be held for the benefit of the corporation. Said corporation may commence business so soon as ten thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice.

Commissioners to open books.

First annual election.

Forfeiture of stock.

§ 4. Said bank may receive deposits of gold, silver, bank notes, and other notes, which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding the rate of six per cent. per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt, take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon, in all respects as natural persons may do under the common law; and the

Banking privileges.

1865.

promissory notes made negotiable and payable at its banking house, or at any bank, and inland bills, which may be discounted by it, shall be and they are hereby put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

May hold real estate.

§ 5. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods, and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws, for their government, as they may deem necessary: *Provided*, The same be not contrary to the constitution and laws of this State, or of the United States.

Tax on stock.

§ 6. It shall be the duty of the president, on the first day of January, in each year, to pay into the treasury fifty cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus, and be a part of the sinking fund of this Commonwealth.

Penalty for embezzlement.

§ 7. If the cashier, clerks, teller, or other officers, shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowingly make false ones, on the books of the bank, with intent to cheat or defraud the corporation, or any other person, or to conceal any improper appropriation of funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this Commonwealth for a period of not less than two nor more than twenty years.

Not to be a bank of issue.

§ 8. It shall not be lawful for said bank to issue any note or bill to be passed and used as currency.

9. The General Assembly shall have the right to examine the affairs of said corporation, by any committee they may appoint for that purpose.

§ 10. This act to take effect from its passage, and continue in force twenty years.

Approved February 24, 1865.

CHAPTER 1038

AN ACT to establish a Court of Common Pleas for the county of Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jefferson court of Common Pleas established.

Salary of judge.

§ 1. There shall be established a court of justice in and for Jefferson county, which shall be known as the "Jefferson Court of Common Pleas," to be a court of record held by a single judge, who, after the election of the first judge, shall be elected in the same manner, and at the same time, as the judge of the Louisville chancery court, and who shall have the like qualifications and receive the like salary, which shall be paid to him from the State Treasury in like manner;

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he shall be a conservator of the peace, be commissioned and qualified as circuit judges are, and be subject to impeachment in like manner and for like causes; have like powers as circuit judges, as a magistrate or judicial officer out of court, and shall appoint examiners for Jefferson county.

§ 2. The first judge shall be chosen at the regular August election, 1865, and vacancies shall be filled in and for the said court in like manner as they are filled in the circuit courts of this Commonwealth; the same practice and the same fees, as far as applicable, shall prevail in the said court as in circuit courts; and it shall have a seal, bearing its name and the arms of the Commonwealth.

§ 3. That the sheriff of Jefferson county shall perform all the duties, in all cases and proceedings in said court, which would otherwise devolve upon him in the circuit court, and the clerk of the Jefferson circuit court shall perform the clerical duties of said court, and shall be entitled to the same fees as allowed him as clerk of the Jefferson circuit court for similar services; he shall be responsible, on his official bond, for the faithful discharge of his duties herein; and his certificate of the records of said court shall have the same force and effect as his certificate of records from the Jefferson circuit court; and before the holding of the first court of common pleas, which shall be on the 4th Monday in September, 1865, he shall, without fee or reward, transfer to said court all civil cases depending in the Jefferson circuit court, except on forfeited recognizances, bail bonds, &c., which shall thereupon proceed in said court of common pleas.

§ 4. The said court of common pleas shall have all the civil common law jurisdiction, original and appellate, which by the existing law appertains to the circuit court for Jefferson county, except on forfeited recognizances, bail bonds, &c., and to its clerk's office transcripts from justices' courts, on appeal, and for executions and replevin bonds for rent, shall be returned; and it shall take the place of the Jefferson circuit court in transfers of cases to and from the Louisville chancery court, under existing laws.

§ 5. The Jefferson court of common pleas shall hold, annually, three terms, to be known as appearance terms, beginning on the first Monday in January, and the fourth Mondays in April and September, to continue one week each; and three terms, called trial terms, which shall be held as follows: beginning on the second Monday in October, and on the second Monday in February, and on the fourth Monday in May—the first to continue for thirty, the second for thirty-six, and the third for twenty-four juridical days, should the business of the court require it.

§ 6. All summons, actual or constructive, in actions commenced in said court, must be served and returned with reference to the appearance terms; and all actions commenced in said court shall be docketed for days in said terms on which the defense shall be due; if a counter-claim or set-off is filed on the first day of the appearance term, the reply shall be due on the day for which the case is docketed, otherwise the

Election of
judge.
Vacancy.
Practice.

Sheriff.

Clerk—his fees.

Jurisdiction—
original and
appellate.

Terms.

Process.
Service.

Docket.

Appearance.

1865.**Pleadings.****Demurrers.****Motions.****Trials.****Appeals.****Trial of ap-
peals.****Mandamus and
writs of prohi-
bition.****Terms, &c.**

plaintiff may reply at any day of the term, or take a general continuance to the next appearance term. All questions of law, arising on the presentation of pleadings, or of amendments thereto, or upon demurrer, shall, if practicable, be decided at the term at which they are presented, and final judgment given whenever it can be done without the intervention of a jury, and without the trial of an issue of fact; and all motions may be heard, and (unless requiring a jury trial) disposed of. And all cases in which the issues of fact are not made up, will be continued to the next appearance term.

§ 7. When the issues of fact in cases are made up for trial, the clerk shall put the cases on the docket of the next trial term, in proper order (cases in which several trials are allowed by the Civil Code, and judgments against several defendants may, if ready for trial as to some, and not ready against others, proceed on both the trial and the appearance docket.) And at said trial terms issues of fact shall be tried, verdicts rendered, motions for new trial, or in arrest of judgment, made and disposed of, and final judgments on the pleadings may also be allowed, and the pleadings may be amended to conform them to the proof, or otherwise, upon just terms, in the discretion of the court. All questions of law undisposed of, for want of time, or under advisement, shall be continued to the next appearance term. The appeals from justices' and other inferior courts shall be docketed for the last days of the docket; and the first days of the trial docket shall be set aside for county cases, according to the present law concerning the Jefferson circuit court. Postponements of trials shall be to the next trial term, or, if the business of the court allow it, to a later day of the same term.

§ 8. Appeals from justices' and other inferior courts shall go to the trial terms in the first instance, without regard to the intervening appearance terms, and be otherwise regulated by the laws regulating appeals to circuit courts; and when a defendant appeals from a judgment for money or personal property, he may demand judgment upon the two returns of not found, if the plaintiff does not appear at the second term.

§ 9. Actions on mandamus and writs of prohibition may be docketed for, or continued to either class of terms; and all matters as to which the contrary is not above provided, which are within the power of said court, may be done at either term; and the rendering of any judgment, or allowing of any step, or making an order at a term of the wrong class, shall never render a judgment void, nor shall it be error unless it be excepted to at the proper time, and unless it moreover be of substantial prejudice to the party complaining.

§ 10. The terms of either class shall count as terms within the meaning of all provisions of the Civil Code requiring anything to be done before the end of a term, or within a certain number of terms; except that motions to correct the clerical misprision of rendering judgment prematurely, may be made within the first days of the second term after the one at which judgment was rendered.

§ 11. In all actions brought originally in the Jefferson court of common pleas, or removed into it by appeal, in which the plaintiff claims damages for any trespass, libel, slander, illegal attachment or distress, breach of marriage promise, or on a bond given to obtain a provisional remedy in an action, and does, on such claim, recover no more than five dollars, the said court may, in its discretion, refuse to award the plaintiff the whole or any part of the costs.

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Costs on ap-
peals.

§ 12. Said court shall have full power to make all proper rules to facilitate its business, not inconsistent with the constitution and laws of this State; and its judgments and final orders shall be subject to appeals, in like manner as those of circuit courts, and not otherwise.

Rules of court.

§ 13. In the summoning and selection of juries, and in the trial by jury, and the payment of jurors, in said court, the same shall be governed by the laws now in force, and which are applicable to circuit courts.

Juries.

§ 14. All laws or parts of laws within the purview of this act, and conflicting therewith, are repealed, from and after the taking effect of the parts of this act conflicting with them; and the provisions of this act shall take effect at the times indicated in the various sections.

Approved February 24, 1865.

CHAPTER 1039.

AN ACT to provide for a change in the time of holding the Jefferson Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That beginning with the first Monday in September, 1865, the Jefferson circuit court shall hold six terms of its court annually: the first term beginning on said first Monday in September, 1865, and continuing six juridical days; the next term beginning on the third Monday in November following, and continuing eighteen juridical days; the next, beginning on the second Monday in January, and shall continue to the Saturday (inclusive) next before the second Monday in February; the next, beginning on the first Monday in April, shall continue six juridical days; the next, beginning on the first Monday in May, shall continue eighteen juridical days; and the next, beginning on the fourth Monday in June, and shall continue eighteen juridical days, if the business of said court, at its respective terms, shall require it.

Jefferson cir-
cuit court.

Terms.

Approved February 24, 1865.

1865.

CHAPTER 1054.

AN ACT to authorize the Board of Internal Improvement to increase Tolls on Turnpike Roads.

WHEREAS, Numerous applications are being made to the present Legislature by many of the turnpike road companies for legislative authority to increase the rates of toll for travel on their roads, and doubts are entertained whether the Board of Internal Improvement now have or have not power to authorize such increase; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Tolls may be increased.

§ 1. That the Board of Internal Improvement are hereby authorized and empowered, whenever it may appear to them right and proper so to do, to permit and empower any of the incorporated turnpike road companies of this State to increase their rates of toll, and at any time to direct the decrease or removal of such increase by them authorized: *Provided*, That there shall be no increase of toll authorized whereby the net proceeds of the road shall be made to produce a greater dividend to stockholders than four per cent. per annum.

§ 2. This act shall take effect from its passage.

Approved February 24, 1865.

CHAPTER 1069.

AN ACT appropriating money to the Eastern and Western Lunatic Asylums.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Western lunatic asylum.

§ 1. That the sum of eighty-two thousand nine hundred and sixty dollars is hereby appropriated, for the purpose of completing the buildings of the Western Lunatic Asylum, to be paid to the Board of Managers thereof, on the warrant of the Auditor of Public Accounts, in quarterly installments, commencing on the 1st day of March, 1865. It is hereby expressly declared that no further appropriation will be made to complete the buildings of the Western Lunatic Asylum, unless it should be rendered necessary by casualties or accidents.

Eastern lunatic asylum.

§ 2. That there is appropriated to the Eastern Lunatic Asylum the sum of two thousand dollars, for fencing and painting, to be paid to the Board of Managers, on the warrant of the Auditor of Public Accounts, when called for by said Board.

Appropriation for non-paying patients.

§ 3. That there is hereby appropriated the sum of two hundred dollars per annum for each non-paying patient supported in the Eastern and Western Lunatic Asylums; and where the amount received from any paying patient does not amount to two hundred dollars per annum, then such sum, for each of such patients, as will, with the amount paid by such patient, make the sum of two hundred dollars: *Provided*, That out of the sum hereby appropriated all necessary repairs, and all expenses, salaries, wages, &c., of all employes in

these asylums, shall be paid, except the conveyance of patients to the asylums.

1865.

§ 4. That the money hereby appropriated shall be paid in the manner prescribed in the second section of an act, entitled "An act for the benefit of the Eastern and Western Lunatic Asylums," approved February 18th, 1864; and the first section of said act is hereby repealed.

Acts 1863-4.

§ 5. This act shall take effect from its passage.

Approved February 24, 1865.

CHAPTER 1073.

AN ACT to equalize the fees of Clerks in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fees of the clerk of the court of appeals shall be the same, and no more, than are or may be allowed by law to the clerks of the circuit courts for similar services.

Clerk court of appeals.

§ 2. This act to take effect from its passage.

Approved February 25, 1865.

CHAPTER 1086.

AN ACT to increase the Compensation to the Public Printer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act the Public Printer shall receive an increase of thirty-three and one third per cent. on the prices now allowed by law for work done by him for the State.

§ 2. That this act shall take effect from its passage, and remain in force for two years, and no longer.

Approved February 25, 1865.

CHAPTER 1090.

AN ACT to increase the Salaries of Superintendent of Public Instruction and his Clerk.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the 2d section of the 3d article of an act, entitled "An act to revise, amend, and reduce into one the common school laws of Kentucky," be so amended as that the salary of the Superintendent of Public Instruction shall be seventeen hundred dollars, and that of his clerk seven hundred dollars per annum, to be paid as heretofore.

Acts 1863-4.

Superintendent's salary.
Clerk hire.

§ 2. This act to take effect from its passage, and continue in force three years.

Approved February 25, 1865.

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CHAPTER 1093.

AN ACT to fix the Fees of Surveyors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fees of surveyors shall be as follows, viz:

For a survey of each tract of land of not over one hundred acres, and plat of the same, three dollars; and for each additional fifty acres, or fraction thereof, one dollar.

For surveying town lot, and plat thereof, one dollar.

For running a dividing line, two dollars.

For surveying land for a mill-seat, three dollars.

For surveying patent land by the patent boundaries, and making plat thereof, three dollars; and for every hundred acres over four hundred acres, one dollar.

For each plat and connection, one dollar; and for each tract represented upon a connected plat over two, fifty cents.

For running a dividing line between two counties, to be paid by the new county, where one is made, four dollars per day; and if between counties existing, to be paid by the counties equally interested.

For receiving and receipting for a land warrant, twenty-five cents.

For copy of a certificate and survey, fifty cents.

For making an entry for land and a copy, twenty-five cents.

For every survey made under an order of court, for every three poles, one cent.

For attending commissioners in dividing land or assigning dower, per day, two dollars.

For every plat from notes taken on the ground or furnished by the party, and calculating contents, with certificate attached, one dollar and fifty cents.

For each additional plat laid down from field notes or from official documents, with notes of explanation, twenty-five cents.

For each copy of such connected plat, fifty cents.

For processioning land, per day, three dollars.

For each connected plat thereof, fifty cents.

For each day's attendance on the viewers of a road or pass-way, three dollars.

For each connected plat of the same, with explanatory notes and report, one dollar.

§ 2. This act shall be in force for two years from its passage.

Approved February 25, 1865.

CHAPTER 1094.

AN ACT appropriating money for the Kentucky River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of thirty thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be expended, if neces-

Locks and dams.

sary, on the locks and dams on the Kentucky river, the same to be drawn upon the warrant of the Auditor when necessary.

1865.

§ 2. That the Board of Internal Improvement shall cause to be expended the amount of money now on hand, deposited to the credit of this line of improvement, before any of the money hereby appropriated shall be expended or drawn from the treasury.

When drawn.

§ 3. That the Board of Internal Improvement shall be permitted to expend such sum only of the present appropriation as will be necessary to repair the breach at lock No. 3, and make such other repairs as may be necessary to put the line in a safe condition, and to protect it from the danger of high water, making the original investment as secure as possible.

Lock No. 3.

§ 4. That the Chairman of the Board of Internal Improvement shall employ the services of an engineer when he shall think proper, and he shall cause him to make out his estimates of the work necessary to be done, and the manner of doing it, and shall submit the same to the Board of Internal Improvement for their approval.

Engineer.

§ 5. That the Board of Internal Improvement shall pay said engineer a fair compensation for his services.

His pay.

§ 6. This act to take effect from its passage.

Approved February 25, 1865.

CHAPTER 1107.

AN ACT to amend an act, entitled "An act to establish a Claim Agency for Kentucky in the City of Washington," approved February 20, 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor, by and with the advice and consent of the Senate, shall appoint an "Agent for the State of Kentucky," who shall keep his office in the city of Washington, whose duty it shall be, whenever requested by the party or parties interested, to prosecute before the court of claims at Washington, or before any of the Departments at Washington, any claim or demand, growing out of the existing war, which the State of Kentucky, or any citizen or soldier thereof, has against the Government of the United States: *Provided*, That the person appointed under this act shall hold no office or appointment under the United States or State of Kentucky, other than the office of Notary Public for the District of Columbia.

Acts 1863-4, p. 109.

Agent of state of Ky.

Duties.

§ 2. It shall be the duty of said agent to answer all communications addressed him by any soldier or citizen, or any officer of the State Government, in regard to any matter of business in any of the Departments at Washington.

Answer communications.

§ 3. Said agent shall perform such other duties as shall, from time to time, be required by the Governor; and may be removed by the Governor whenever, in his opinion, the public interest demands it.

Perform other duties as Governor may require.

§ 4. The agent appointed under this act shall not, directly or indirectly, receive or charge any fee for services rendered

No fee for soldier claims.

1865.**Shall not deal
in claims.**

under this act to Kentucky soldiers, their widows, heirs, or legal representatives, nor shall he purchase, trade, or deal in any claim placed in his hands for collection, or any other claim against the United States, whether the same is not in his hands for collection.

Penalty.

§ 5. Any violation by said agent of the provisions of the preceding sections shall be regarded as a misdemeanor, any punished by fine and imprisonment, or both, at the discretion of a jury. He may be indicted in the circuit court of the county where the claimant or soldier resides, or in the circuit court of the county where the agent resides.

**Oath of office
and official
bond.**

§ 6. Before entering on the discharge of the duties of his office, he shall take the oath required by the constitution of other officers of this State, and shall execute a covenant, with sufficient security, to be approved by the Governor, conditioned that he will faithfully and diligently discharge the duties of his said office; make full, fair, and complete returns of all claims and funds which may come into his hands, or may be intrusted to him, and pay over to the claimants all moneys and effects which he may receive for such claimant; and that he will not, directly or indirectly, purchase, trade, or deal in, any claim whatever against the United States—which covenant shall be filed and preserved in the office of the Secretary of State, and upon which any aggrieved may maintain a suit for any breach thereof; and any recovery on the same shall not bar any other suit upon the same for any other and distinct cause of action.

**To be filed in
Secretary's of-
fice.****Salary.**

§ 7. He shall receive, as compensation for his services under this act, three hundred and thirty-three dollars and thirty-three and one third cents per month, payable out of the public treasury, as the salaries of other public officers are paid; and he shall be allowed one clerk, at a salary of one hundred and twenty-five dollars per month, payable as the salary of the agent is paid.

Clerk hire.**Office rent.**

§ 8. He shall, quarterly per annum, report to the Governor a full and complete account of his expenditures for office rent since the establishment of said office; and, upon the approval of the same by the Governor, the Auditor is hereby directed to draw his warrant upon the Treasurer in favor of the agent for the amount thereof, which said warrant shall be paid by the Treasurer out of any moneys in the Treasury not otherwise appropriated: *Provided*, The amount allowed for office rent shall not exceed, in any one year, six hundred dollars.

State claims.

§ 9. The agent is hereby directed, by and with the advice of the Governor, to cause all accounts of the State of Kentucky against the United States now on file, or that may be hereafter filed, to be speedily adjusted and settled; and the necessary expense, not exceeding twenty-five hundred dollars, attending their adjustment and settlement, shall be certified by said agent to the Governor, upon whose approval the Auditor shall draw his warrant in favor of said agent for the amount thereof upon the Treasurer, who shall pay the same out of any money in the treasury not otherwise appropriated.

**Expenses of
State claims.**

§ 10. For prosecuting claims of the State, or in claims of soldiers, their widows, heirs, or legal representatives, said agent shall receive no other compensation than the salary herein provided; but, for prosecuting the claims of other persons, citizens of Kentucky, he is allowed to charge any fee agreed upon between him and the claimant, not exceeding ten per centum on the amount of the claim allowed, where the allowance is one hundred dollars or less, and five per centum upon all other sums: *Provided*, That said agent may charge officers a reasonable compensation for settlement of their accounts: *And provided further*, He shall not be bound to render any services to local agents; but, should he do so, he shall in no case pay over or account to such local agent any money or other thing collected or received by him on account of any soldier, heirs, widow, or legal representative, but shall account directly to such soldier, his heirs, widow, or legal representative.

1865.

No fees for soldier claims.

Fees for other claims.

Local agents.

§ 11. He shall hold his office for a term not exceeding two years, subject to removal as hereinbefore provided.

Term of office.

§ 12. This act shall be in force from its passage, and remain in force for two years.

Approved February 27, 1865.

CHAPTER 1109.

AN ACT to amend the 23d section of article 1, of the 37th chapter of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the twenty-third section, of article first, of the thirty-seventh chapter of the Revised Statutes, be so amended as to read as follows: No suit or action, except suits and actions to settle up the estate of decedents, shall be commenced against any personal representative until six months after administration shall have been first granted upon said estate by the courts of this Commonwealth.

1 R. S., p. 507.
Executors and administrators—suits against.

§ 2. This act to take effect from and after its passage.

Approved February 27, 1865.

CHAPTER 1110.

AN ACT to amend article five, entitled "The Sale of Land and Slaves of Married Women," of chapter 86, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That real estate conveyed, or devised to a trustee, for the separate use of the present and any future wife of a certain person named in the instrument of conveyance, with remainder to the children of such wives, may, by the order of the circuit court of the county in which such land is situated, be sold by a commissioner appointed for that purpose by said

2 R. S., p. 309.
Lands of married women with remainder to children may be sold and proceeds reinvested.

1865.

court; and the money arising from the sale of such real estate shall be reinvested according to the order of such court, and under its superintendence, in other real estate, to be held for the same uses and trusts, and in the same manner in all respects as the property sold; but such order of sale shall only be made upon satisfactory proof to the court that the sale and reinvestment will be beneficial to all interested in the property, and upon a petition by the trustees, the present wife, and such children as are in being.

§ 2. This act shall be in force from its passage.

Approved February 27, 1865.

CHAPTER 1111.

AN ACT authorizing the Recording of Wills, and the Probate thereof, in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

2 R. S., p. 465.
Record of wills
where no court
is held.

Letters of probate and administration in such cases.

§ 1. That if a will cannot be proven and admitted to record, according to the provisions of section 27, chapter 106, of the Revised Statutes, because no court is held in the county where, according to said section, the will is required to be proven and recorded, it may be proven and admitted to record in the county court of the county the county seat of which is nearest the residence of the testator, and in which courts may be held, and grant of letters of probate and administration may be made to the personal representative by the court having proof thereof, and in all respects, except as herein provided, shall be governed by the laws now in force concerning wills: *Provided*, That within two years after courts shall be established in the county wherein, by the laws now in force, such wills are required to be proven and recorded, a certified copy of said will, and proceedings of probate thereof, shall be recorded in the court of the county where it is now required to be probated: *And provided further*, That before such probate shall be had, all of the resident heirs and devisees of the testator shall have reasonable [notice] of the time and place of making the same.

§ 2. This act shall be in force from its passage for two years.

Approved February 27, 1865.

CHAPTER 1112.

AN ACT to authorize the granting of administration on estates of persons in counties where there are no county courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 R. S., p. 502.
What court to
grant administration.

That if an administration cannot be had on the estate of any intestate, according to the provision of section one, article two, chapter thirty-seven, of the Revised Statutes, because no county courts can be held to grant letters of administration,

according to the provisions of said section, it shall be lawful for the county court of the county, the county seat of which is nearest to the late residence of the deceased, and in which courts can be held to grant letters of administration on any intestate's estate, and in all other respect, except as herein provided, shall be governed by the laws authorizing the grant of administration.

1865.

Approved February 27, 1865.

CHAPTER 1115.

AN ACT to increase the Compensation of the Register of the Land Office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the salary of the Register of the Land Office be increased to the sum of two thousand dollars per annum, which sum he is authorized to draw monthly from the treasury. All former appropriations for salary to the Register of the Land Office are hereby repealed.

§ 2. This act shall take effect from its passage, and to remain in force for two years from its passage.

Approved February 27, 1865.

CHAPTER 1155.

AN ACT empowering the Governor to appoint Agents to visit and aid sick and wounded soldiers of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor be, and is hereby, authorized and empowered to appoint, from time to time, as necessity may seem to require, one or more suitable men as agents of the State, whose duty it shall be to visit, at the instance of the Governor, battle-fields, camps, or hospitals, for the purpose of looking after, taking care of, and ameliorating the condition of the sick, wounded, and disabled soldiers of Kentucky.

§ 2. That the Auditor of Public Accounts, upon the written order of the Governor, is authorized and directed to draw his warrant upon the Treasury, in favor of said agent appointed as aforesaid, for such sum of money as the Governor may deem necessary to defray the expenses of said agent and accomplish the objects indicated in the preceding section of this act—the whole amount thus to be drawn in any one year not to exceed \$20,000.

§ 3. That said agent, upon his return from each particular mission for the relief of soldiers, shall make out a report to the Governor, showing what he has done for Kentucky soldiers, how much money he has expended, and how much, if any, remains unexpended; and at the next meeting of the Legislature thereafter, it shall be the duty of the Governor to lay said report or reports before the General Assembly of

Agents.

Expenses of agents.

Reports.

1865.

Pay of agent.

Kentucky: *Provided*, That the pay of such agent shall not exceed four dollars per day for the time he may be in actual service, and six cents per mile for the distance traveled in discharging his duties under this act: *And provided further*, That when transportation is furnished by the Government to such agent, no charge shall be made for mileage.

§ 4. This act to take effect from its passage, and continue in force two years.

Approved February 27, 1865.

CHAPTER 1156.

AN ACT conferring Additional Jurisdiction on certain Circuit Courts in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jurisdiction in cases in counties where no courts have been held.

Indictments.

Arrests.

Defendant may demand jury of the vicinage.

Trial.

§ 1. That when no circuit court has been held in any county for one year, the circuit court of the county in which the circuit courts are usually held (in the same or an adjoining judicial district), whose seat of justice is nearest to the seat of justice of the county where courts are not held, as aforesaid, shall have jurisdiction, under the conditions hereinafter specified, of all violations of the criminal or penal laws of the State within the body of such last named county; and it shall be the duty of such circuit court to make an order requiring its grand jury to inquire into and true presentments make of all offenses in said county, and shall so charge said jury, which indictments shall be as valid as if found by a grand jury of the county where the offense was committed; and the sheriff or other officer of the county where such indictment was found, to whom process thereon may be directed, shall have power, and it shall be the duty of such sheriff or officer, to arrest all persons so indicted, in either county, where they may be found, and the court shall have power to try such offender and execute its judgment in as full and ample a manner as the circuit court of the county where the offense was committed might do: *Provided*, That any one indicted under the provisions of this act shall, if he so demand, have the jury by which he is tried summoned from the county in which the offense was committed, which, if not demanded, shall be deemed to be waived, and the court shall have power to have a jury summoned by the sheriff, or some discreet person selected by the court, and first duly sworn: *Provided further*, That if, before the trial, circuit courts are usually held in the county where the offense was committed, the accused shall have a right to have the venue changed to such county, without cause shown, and may have a change of venue to any other county in the manner now prescribed by law.

§ 2. This act shall take effect from its passage.

Approved February 27, 1865.

CHAPTER 1157.

1865.

AN ACT to further regulate the sale of Tobacco in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor shall appoint four competent persons as inspectors of tobacco in the city of Louisville, whose duty it shall be to draw from each and every hogshead of tobacco offered at public sale in said city, fair samples of the same, and, after said samples are drawn, they shall tie each sample securely and neatly, so as to designate, in order, the breaks from which said sample was drawn. After thus tying the sample with suitable twine, and placing thereon a card, with printed name of the warehouse, and the number of the hogshead (the cards, wax, and twine to be furnished by the proprietors of the warehouses), they shall seal and stamp said sample with sealing-wax, a suitable seal to be furnished by the inspectors. Said inspectors shall alternate daily in the duties of sampling, tying, and sealing.

Inspectors.

Duties.

Samples.

§ 2. The fee for inspecting each hogshead shall be forty cents, one half to be paid by the seller, and the other half by the buyer, and said amount to be collected by the warehouses, and divided equally among the four inspectors.

Inspectors' fees.

§ 3. All tobacco offered for sale at auction in the warehouses shall be weighed and marked by the persons appointed by the Governor for that purpose, as now required by law. After each hogshead has been sold, and properly recoopered, it shall again be correctly weighed by the same weigher, and this weight also distinctly marked on the head of the hogshead, using some mark to distinguish the first and second weighings. The proprietors of said warehouses shall settle with the seller according to the first weight, and with the purchaser according to the second weight, deducting the proper tare in each instance. In consideration of the extra labor in handling the tobacco for the purpose of reweighing, the warehouses shall be allowed the sum of fifty cents per hogshead, to be paid by the purchaser.

Tobacco must be weighed and marked, before and after sale.

Seller and purchaser.

§ 4. The weighers shall alternate weekly between the different warehouses, and attend at such reasonable hours as the proprietors may designate; and for their services shall receive ten cents each per hogshead, to be collected and paid as heretofore.

Weighers.

Fees.

§ 5. Any person who shall purposely mutilate any sample, or alter the weights marked by the weighers, or record other weights on the warehouse books, shall be guilty of a misdemeanor, and for the violation of either of the provisions of this section, upon conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars for each offense.

Penalty for mutilating samples.

§ 6. The superintendents of weighing and coopering shall hereafter be designated and appointed as weighers of tobacco in the city of Louisville. Said weighers and inspectors shall severally take the oath required by law, and in addition thereto execute bond before the clerk of the Jefferson

Title of Superintendents of weighing, &c., abolished.

Oath and bond.

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county court, to the Commonwealth of Kentucky, in the penalty of five thousand dollars, with one or more good and sufficient sureties, to be approved by the clerk, conditioned faithfully to perform the duties imposed upon them by law, which bond shall be filed in the office of said clerk; and said weighers and inspectors shall each pay said clerk for taking and filing said bond the sum of one dollar; and said weighers and inspectors, or any one of them, for culpable neglect of duty or malfeasance in office, shall be removed from office by the Governor, and in addition thereto, shall be liable upon his or their bond in damages to the party aggrieved by such willful neglect or malfeasance. The circuit courts shall have jurisdiction in cases arising under this act in the district where the offense is committed.

Storage.

§ 7. The proprietors of the warehouses, for any other or greater charges against planter or seller than those now allowed by law, and one per cent. upon the gross amount of sales, shall be liable to a fine of not less than five hundred dollars, to be recovered on motion by the party overcharged before any court in Louisville having jurisdiction.

Penalty for illegal charges.

§ 8. This act to be in force from and after the first day of March, 1865; and all former acts, or parts of acts, conflicting with the provisions of this act, the same are hereby repealed; and those acts, or parts of acts not conflicting with this act, are continued in force, and continue in force for two years only.

Approved February 27, 1865.

CHAPTER 1160.

AN ACT providing Compensation for the Clerk of the Jefferson Circuit Court in criminal cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fees in criminal cases.

§ 1. That the clerk of the Jefferson circuit court shall receive the same fees in criminal cases as now allowed by law for similar services in civil cases.

How paid.

§ 2. That at the end of each term he shall make out his fee bill against the Commonwealth, which shall be examined by the Commonwealth's attorney; and; when approved by the court, the same shall be paid by the trustee of the jury fund for said county.

§ 3. This act shall take effect from and after its passage.

Approved February 28, 1865.

CHAPTER 1162.

1865.

AN ACT to amend section 1, chapter 85, Revised Statutes, title "Salaries."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Treasurer of this State shall, from and after the passage of this act, receive an annual salary of twenty-four hundred dollars. The clerk to the Treasurer shall receive an annual salary of one thousand dollars.

Treasurer's salary.

Clerk's salary.

§ 2. This act to take effect from the date of its passage, and to continue in force for three years.

Approved February 23, 1865.

CHAPTER 1163.

AN ACT declaring "The National Unionist" a public authorized newspaper.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That "The National Unionist," a newspaper published at Lexington, Kentucky, be, and the same is hereby, established as a public authorized newspaper, to publish all advertisements, orders of court, &c., which may, by law, be required to be published in any newspaper; and advertisements and orders of court, &c., shall be as legal and valid when published in said newspaper, as if published in any other newspaper in this State.

§ 2. This act shall take effect from and after its passage.

Approved February 23, 1865.

CHAPTER 1165.

AN ACT to consolidate Kentucky University and Transylvania University.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Kentucky University and Transylvania University shall be consolidated into one university and one corporate body, by the name of the Kentucky University.

Kentucky and Transylvania Universities consolidated.

§ 2. That the curators of Kentucky University shall have all the rights and powers of the trustees of Transylvania University in regard to all the funds and property of Transylvania University, which, by this act, shall pass to Kentucky University, and be bound by the trusts and conditions to which said trustees were subject.

Rights and privileges transferred to former.

§ 3. That, except so far as relates to the funds and property of Transylvania University, the charter of the Kentucky University, as herein changed, shall be the charter of the consolidated university.

Funds of Transylvania.

§ 4. That Kentucky University shall be located in Fayette county, in or near the city of Lexington, and in said county shall be located all its colleges. It is expressly declared, however, that said Kentucky University is bound to refund to the citizens of Mercer county the full nominal value of all

Location of Kentucky University.

To refund subscriptions to Mercer county.

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unpaid coupons subscribed and paid by them to the endowment of said university which may be claimed by them; and also refund to said citizens all of the Bacon College scholarships subscribed and paid in full by any citizen of said county, and which may be claimed by them.

Consolidation
when to cease.

§ 5. That if hereafter, for any cause, the location of Kentucky University shall be changed from Fayette county, then, and in that event, the consolidation shall cease, and the trustees of Transylvania University resume their separate corporate existence, and shall be entitled to receive and take into their possession all the fund and property which belonged to Transylvania University at the time of consolidation; and it shall be the duty of the curators to surrender to said trustees all said property, and the principal of all the funds which came into their possession belonging to Transylvania University at the time of consolidation.

When to go in-
to effect.

§ 6. That the consolidation herein provided shall not go into effect until a majority of the trustees of Transylvania University, and a majority of the curators of Kentucky University, shall each assent to the provisions of this act, by resolutions recorded on their respective journals of their proceedings.

§ 7. This act shall take effect from its passage.

Approved February 28, 1865.

CHAPTER 1173.

AN ACT providing for arrearages of pay due to the Battalion of Harlan county State Guards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor, out of any money belonging to the military fund of this Commonwealth, not otherwise appropriated, pay to the Harlan county battalion of State Guards one and a half months' of arrearages of pay due them, according to the pay rolls of said battalion returned to and on file in the proper office at Frankfort, Kentucky.

§ 2. This act to take effect from its passage.

Approved February 28, 1865.

CHAPTER 1174.

AN ACT to authorize the Sale and Investment of Land Scrip granted to Kentucky by the United States.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioners
of sinking fund
to sell scrip.

§ 1. That the Commissioners of the Sinking Fund be, and they are hereby, authorized and requested to sell and assign, at such time and upon such terms as they may deem best for the interest of Kentucky, the whole or any part of the scrip or land warrants issued, or to be issued, to this State by virtue

of an act of the Congress of the United States, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2d, 1862.

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§ 2. That the proceeds of the sale or sales aforesaid shall, by said commissioners, be invested in interest-bearing bonds of this State, or of the United States, at their discretion; the principal of which bonds shall be forever held sacred for the purposes directed in the act of Congress aforesaid; and the interest thereof, as collected, shall be paid over as directed by law.

Proceeds of sales, how invested.

§ 3. That the Commissioners of the Sinking Fund may perform and discharge any of the acts, trusts, or duties authorized, directed, or conferred herein by any agent or agents by them selected and appointed. For all costs and expenses incurred in carrying into effect the provisions of this act, upon said commissioners' certificate thereof, the Auditor is directed to draw his warrant therefor upon the Treasurer, who will pay the same.

Commissioners may act.

Expenses of sales.

§ 4. This act shall take effect from its passage.

Approved February 28, 1865.

CHAPTER 1176.

AN ACT authorizing the appointment of Guardians in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if the county court of any county of this State cannot be held in consequence of there being no officer in said county authorized by law to hold the same, and no court has been held in such county for sixty days in consequence thereof, it shall be lawful for the county court of any adjoining county, where courts are held, to appoint guardians for minors resident in such county when no court can be so held, and such appointment shall be as valid as though made by the county court of the county of the domicile of such minors: *Provided*, That the facts which, by the provisions of this act, confer such jurisdiction, shall appear to the court by the affidavits of two credible residents of the county of the domicile of said minor, and who are acquainted with such minor.

1 R. S., 574.

Appointment of guardians in counties where no courts are held.

§ 2. This act shall take effect from its passage, and remain in force for two years.

Approved February 28, 1865.

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CHAPTER 1177.

AN ACT requiring the recording of the Reports of Sales of Real Estate.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*To be recorded
in order books.

§ 1. That all reports of commissioners of sales of real estate, made under judgments, orders, or decrees of the circuit and chancery courts of this Commonwealth, shall, after the same are approved and confirmed by said courts, be recorded in the order books of such court.

§ 2. This act shall be in force from its passage.

Approved February 28, 1865.

CHAPTER 1178.

AN ACT to amend the second paragraph of the 440th section of the Code of Practice in Civil Cases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Civil Code, sec.
440.In suits to set-
tle estates, no
bond in certain
cases.

§ 1. That, in suits brought by the personal representative or creditor of a deceased person, to have a settlement of his estate, and a sale of his real estate for the payment of his debts, and the heirs or devisees are non-residents, it shall not be required of the personal representative, or any creditor, to execute the bond required by the second paragraph of the four hundred and fortieth section of the Code of Practice in civil cases.

§ 2. This act shall take effect from its passage.

Approved February 28, 1865

CHAPTER 1179.

AN ACT to amend Section 473 of the Code of Practice in civil cases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Civil Code, sec.
47.

1 R. S., 511.

Claims against
decedents' es-
tates.

§ 1. That it shall only be necessary for the claimant to make affidavit of all payments, credits, or discounts, of which he has any knowledge or belief, that may exist against the estate of any person who has been a trustee or fiduciary of any kind, on account of said trust or fiduciary fund, and present the same to the personal representative of such trustee or fiduciary, and demand a settlement of such accounts before the bringing of a suit for the settlement of the same.

Claims against
trust fund.

§ 2. That where any suit is brought, and any adult person is a defendant to such suit, claiming an interest in any such trust or fiduciary fund, he shall not be entitled to enforce the judgment for any part going to him until he shall first file his affidavit disclosing any credit, discount, or payment of which he has any knowledge on the part going to him; which

amount shall be credited by the court or clerk upon any execution or other process by which he attempts to enforce the payment of said judgment.

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§ 3. This act shall take effect from its passage.

Approved February 28, 1865.

CHAPTER 1183.

AN ACT to amend an act, entitled "An act regulating the Fees and Duties of the Sealer of Weights and Measures in the County of Jefferson," approved January 7, 1852.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all that part of section two, of the act mentioned in the title hereof, which regulates and fixes the rate of fees to the sealer of weights and measures in the county of Jefferson, be, and the same is hereby, repealed; and full power is hereby vested in the county court of said county, a majority of justices in commission being present and agreeing thereto, to regulate the duties and fees of said officer.

2 R. S., 454.

Sec. 2 repealed.

§ 2. The said county court shall, at a session to be held as a levy term for 1865, and afterwards at its session when said officer is elected, prescribe the duties and fees of the sealer of weights and measures in said county during his term of office.

County court of Jefferson to fix fees and prescribe duties.

§ 3. This act shall be in force from its passage.

Approved February 28, 1865.

CHAPTER 1204.

AN ACT to amend Chapter 103 of the Revised Statutes, entitled "Turnpike and Plank Roads."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any turnpike or plank road company which may be organized under chapter 103 of the Revised Statutes, entitled "Turnpike and Plank Roads," may construct turnpike or plank roads less than five miles in length, and erect a gate thereon, and charge the same rate of toll for the distance traveled as is allowed by the provisions of said chapter 103, to which this is an amendment.

2 R. S., 426.

Tolls on roads less than five miles.

§ 2. That in all cases in which there is a fraction over five miles in the length of any turnpike or plank road already constructed, or that may hereafter be constructed, such turnpike or plank road company may erect a gate on such fraction, and charge the same rate of toll for the distance traveled as allowed by said chapter.

Toll gate allowed on fraction over five miles.

§ 3. This act to be in force from its passage.

Approved March 1, 1865.

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CHAPTER 1228.

AN ACT to fix the place for holding the Circuit Courts and Quarterly Courts for Larue county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Courts in Larue.
place of holding.

§ 1. That in consequence of the court-house of Larue county having been burned, that hereafter, and until a new court-house is built, the courts for said county may be held in any suitable house in the town of Hodgenville that can be procured for that purpose.

§ 2. This act to take effect from its passage.

Approved March 1, 1865.

CHAPTER 1234.

AN ACT to empower Trustees of towns, and Mayor and Council of cities to appoint police guards and to provide for their payment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Police guards
for towns and cities.

§ 1. That the trustees of towns, and mayor and councils of cities, are empowered to appoint a police guard for the protection of their towns, to tax the property within the respective towns for their payment, to define the powers of said guard, and to arm them for their defense.

Guerrillas,
thieves, &c.

§ 2. The said trustees shall have power to pass all by-laws they may deem necessary to protect said towns against guerrillas, detect thieves, robbers, burglars, and prowlers at night, and arrest and bring them to trial.

§ 3. This act shall be in force from its passage.

Approved March 1, 1865.

CHAPTER 1243.

AN ACT allowing Common School Districts to levy a District School Tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Additional tax
may be levied
in School districts.

§ 1. That in any common school district in the State, in which the clearly ascertained will of the people shall be in favor of a district tax in aid of the common school therein, the levying of such a tax therein shall be lawful.

Vote of people
on such tax—
how and when
taken.

§ 2. That the will of the people of any district, in relation to such a tax therein, shall be determined by a vote of the qualified voters thereof, at the time and place, and in the manner prescribed in the first section of the sixth article of the Revised School Laws, for the election of district trustees; and any widow residing in any school district, who is a tax-payer, or who has children within the ages fixed by the common school laws to be educated, shall be deemed a qualified voter under this act: *Provided*, That when a vote for such a tax shall be taken, votes shall be received from nine o'clock A. M. till five

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o'clock P. M.: *And provided further*, That, previously to the taking of such a vote, notices, signed by the common school commissioner of the county in which such district lies, and by the trustees of such district, stating the amount and object of the tax proposed to be raised, and the time and place of taking the vote, shall have been posted for one month or more, at three or more prominent places in the district: *Provided further*, When lines dividing school districts pass through the lands of any person dividing the same, the taxes shall be levied and paid to that district where the homestead may be situated.

§ 3. That the officers of the election shall return a fair and true record of the votes taken for and against such a tax, certified and sworn to by themselves, before some officer authorized to administer oaths to the common school commissioner, if he shall not have presided at the election, or to the county judge, if the commissioner shall have presided; and if it be found that a majority of the qualified voters of the district shall have voted in favor of such district tax, such fact shall be so certified to the parties concerned, and it shall be the duty of the common school commissioner of the county to furnish the sheriff with the boundary of the district, and of the latter officer to collect said district tax.

§ 4. That the money thus raised shall be accounted for and paid over by the sheriff on or before the 15th day of December, in each year, in the same manner in which he is required to account for and pay over the State revenue to the trustees of the district voting the tax, he being paid for his services not more than he would be allowed for collecting the same amount of the State revenue tax.

§ 5. That the money thus raised and paid into the hands of the trustees shall be paid out on the written order of a majority of them for either of the objects herein specified, and for nothing else, to-wit: The purchasing of a site for a district school-house; the building, repairing, or furnishing of the district school-house; the necessary contingent expenses of the school, and the better payment of the salary of the teacher or teachers thereof.

§ 6. That the trustees shall make settlement with the common school commissioner for the amount of money thus received, at the time of making their report to said commissioner, as required by the eleventh section of the sixth article of the Revised School Laws, and shall show by vouchers how the money has been disbursed; and should the said commissioner discover any fraud or misappropriation of funds on the part of said trustees, it shall be his duty to proceed against them as authorized by the sixteenth section of the sixth article of the Revised School Laws.

§ 7. That the common school commissioner shall, in making his annual report to the Superintendent of Public Instruction of the schools taught in his county, make report also of the amount of money thus raised, and the manner in which it has been appropriated.

Certificate of vote, to whom returned.

Majority shall decide.

Sheriff.

Tax, how and when accounted for.

Sheriff's compensation.

Funds so collected, how and for what expended.

Trustees shall make settlement with school commissioner.
Acts 1863-4, 25.

Commissioner to report to Superintendent.

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Towns and
cities.

Limit of tax.

§ 8. That this act shall apply to all cities and towns, reporting as one district, which have not now the privilege of levying a special school tax.

§ 9. That the tax allowed under this act shall not exceed five cents in any one year on the hundred dollars' worth of taxable property in the district.

§ 10. That this act shall take effect from its passage.

Approved March 2, 1865.

CHAPTER 1253.

AN ACT supplemental to an act, entitled "An act for the benefit of certain Common School Districts," approved February 7th, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Vide this volume, chapter
851, page 29.

§ 1. That an act, entitled "An act for the benefit of certain common school districts," approved February 7th, 1865, be, and the same is, made to apply to the following districts, to-wit: District fifteen, Crittenden county, 1863; district fifty-nine, Graves county, 1863; district seventy-six, Morgan county, 1863; district seventy-six, Morgan county, 1864; district thirteen, Allen county, 1864, less than three months; district fifty-two, Shelby county, 1863; district ten, Monroe county, 1862; district ten, Monroe county, 1863; district twenty-seven, Hardin county, 1861; district forty-seven, Shelby county, 1863; district forty-five, Cumberland county, 1864; district forty-seven, Cumberland county, 1864; district thirteen, Cumberland county, 1864; district sixty-two, Cumberland county, 1864; district twenty, Magoffin county, 1864; district twenty-two, Magoffin county, 1864; district twenty-three, Magoffin county, 1864; district thirteen, Magoffin county, 1864, less than three months; district twenty-four, Magoffin county, 1861, less than three months; district ten, Campbell county, 1864, less than three months; district thirty-eight, Caldwell county, 1864, less than three months; fraction three, Floyd county, 1863; district twenty-one, Boyd county, 1862, less than three months: *Provided*, That if the surplus for Magoffin county for 1864 be not sufficient to pay districts twenty, twenty-two, and twenty-three, herein named, the said districts may be made a part of the report of the commissioner of said county for the school year 1865, and receive payment when the districts reported for the said year 1865 shall receive payment.

Magoffin county.

§ 2. This act to take effect from its passage.

Approved March 2, 1865.

CHAPTER 1254.

1865.

AN ACT to amend an act in relation to Turnpike Roads in this Commonwealth, approved 22d February, 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if the president and directors of any turnpike road company in which the State owns stock shall charge or demand a greater rate of tolls than that allowed by the 4th section of an act, entitled "An act in relation to turnpike roads in this Commonwealth," approved 22d February, 1864, they shall be fined, upon an indictment in the circuit court of the county in which the gate of said road is situate at which such charge or demand is made, at the discretion of the jury, in a sum not less than twenty dollars for each such charge or demand.

Acts 1863-4, p. 114.

Rates of toll.

§ 2. This act shall take effect from its passage.

Approved March 2, 1865.

CHAPTER 1255.

AN ACT changing the county line between Knox and Harlan counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line between Knox and Harlan counties be so changed as to include the farms of Christopher Crawford, John Chadwell, and Jesse Davis, in Knox county.

Knox and Harlan counties.

§ 2. This act to be in force from its passage.

Approved March 2, 1865.

CHAPTER 1268.

AN ACT authorizing the Commissioners of the Sinking Fund to contract with the State Banks for interest on State Deposits.

WHEREAS, The multiplied demands upon this Commonwealth require the prudent husbandry of her funds; and it is confidently believed that the use of the large, continued, and long deposits of the money of the Commonwealth is worth, and will command, a premium; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commissioners of the Sinking Fund be, and they are hereby, authorized and directed to negotiate with any bank at the seat of government, and, under all the circumstances, make the best arrangement, by contract, in their power, for the deposit of the money on hand belonging to the civil or military departments of the Commonwealth. When such arrangement shall be made, the Treasurer, and all other

Interest on deposits.

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officers, shall conform to it, and in so doing they shall be as fully indemnified as they now are in the present bank of deposit.

§ 2. This act shall take effect from its passage.

Approved March 2, 1865.

CHAPTER 1270.

AN ACT to amend an act, entitled "An act changing the times and terms of holding the Circuit Courts in the Twelfth Judicial District," approved March 1st, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acts 1859-60, p.
95.

§ 1. That the circuit courts in the following counties of the twelfth judicial district shall hereafter be held at the times and for the number of days hereinafter specified, instead of the times now fixed by law:

Breathitt.

In the county of Breathitt, on the third Mondays in May and October, and continue six judicial days each term.

Owsley.

In the county of Owsley, on the fourth Mondays in May and October, the spring term to continue twelve judicial days, the fall term six; but, when October has five Mondays, the fall term shall continue twelve judicial days.

Estill.

In the county of Estill, on the Mondays next succeeding the expiration of the terms of the Owsley circuit court, and continue twelve judicial days each term.

Jackson.

In the county of Jackson, on the Mondays next succeeding the expiration of the terms of the Estill circuit court, and continue six judicial days each term.

Clay.

In the county of Clay, on the Mondays next succeeding the expiration of the terms of the Jackson circuit court, and continue twelve judicial days each term.

§ 2. This act shall take effect from its passage; but nothing herein shall be construed as repealing the 3d section of the act to which this is an amendment.

Approved March 2, 1865.

CHAPTER 1273.

AN ACT to appropriate money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following sums of money are hereby appropriated to the following persons, to be paid by the Treasurer out of any money not otherwise appropriated, upon the warrant of the Auditor:

To the Speakers of Senate and House of Representatives, eight dollars per day during the present adjourned session of the General Assembly.

To the principal Clerks of the Senate and House of Representatives, each ten dollars for the same time as the Speakers

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aforesaid, and for fifteen days after the present adjournment, for preparing the acts for publication and arranging the papers of their respective Houses.

To the Assistant Clerk of each House, ten dollars per day for the same time as the Speaker.

To the Sergeant-at-Arms of each House, six dollars per day during the same.

To the Door-keeper of each House, during the same term, six dollars per day.

To John L. Smedley, Sergeant-at-Arms, for the use of two negro men waiting upon the House of Representatives, one dollar and fifty cents each, per day, during the present adjourned session.

To John W. Pruett, Sergeant-at-Arms of the Senate, for the service of one negro boy waiting upon the Senate during the present adjourned session, one dollar and twenty-five cents per day.

To the pages of the Senate and House of Representatives, two dollars per day, each, during this session (the pages of the House not to exceed four upon an average of the session.)

To A. G. Hodges, for the Commonwealth during present adjourned session, one hundred and fifty dollars.

To Prentice, Henderson & Osborne, for the Daily Journal during the present adjourned session, four hundred dollars.

To Harney, Hughes & Co. three hundred and fifty dollars.

To the Ministers of the Gospel who has acted as chaplains for the Senate and House of Representatives, one hundred dollars, to be drawn by the Librarian and distributed amongst them.

To the three negro men who have waited upon the Senate and House of Representatives, five dollars each, to be drawn by the Librarian and paid them.

To the Ancient Governor, Daniel Clark, for his services in waiting upon the Executive Office, fifty dollars.

The Auditor is authorized to draw his warrant upon the Treasurer, in favor of the principal Clerks of the Senate and House of Representatives for the amount of extra clerk hire in enrolling bills, to be estimated by them.

To William Sampson and Joshua Barnes, the joint committee to visit, during the recess, the various charitable institutions belonging to the State, including their expenses, five hundred dollars.

To W. C. Whitaker, William Sampson, Joshua F. Bell, Alfred Allen, and Joshua Barnes, the joint committee of the Senate and House of Representatives to visit Washington city in regard to the military condition of the State, seven hundred and fifty dollars.

To Alfred Allen and John J. Gatewood, the committee to examine into the proposition to remove the Capital, one hundred dollars.

To Joseph B. Lewis, Clerk of the Committee on Enrollments, to embrace all services rendered by him, four dollars per day, the time to be certified to the Auditor by the Chairman of the Committee on Enrollments.

1865.

To John T. Gray, per account rendered, forty-one dollars and twenty-five cents

To John Haly, for penknives for new members, eight dollars and seventy-five cents.

To J. L. & W. H. Waggener, per account rendered, eleven dollars and twenty-five cents.

To the Baptist Church, for the use of their bell during the present session, twenty dollars.

To D. C. Barrett, for preparing the indexes to the Journals of the Senate and House of Representatives the present adjourned session, two hundred dollars.

To Daniel C. Stevenson, for services as janitor and porter in the office of Superintendent of Public Instruction, thirty-eight dollars.

To Gray & Todd, account sundries furnished the Senate, fifty-five dollars and forty-five cents.

To J. M. Mills, for same, two dollars and fifty cents.

To John Whitehead, repairs done to the Senate chamber, thirty-six dollars and ninety cents.

To J. L. & W. H. Waggener, for crape furnished the Senate, fifty-one dollars and thirty cents.

To Gray & Todd, for account of sundries furnished the House of Representatives, sixty-six dollars.

To James A. Dawson, as clerk of the committee to investigate the case of Hon. J. F. Bullitt, thirty dollars.

To Sanford Goins, for firing salutes, under an order of the General Assembly, on the 8th of January and 22d of February, 1865, and furnishing ammunition and cannoneers, one hundred and eighty-three dollars.

Thomas J. Moore, J. H. Graham, J. G. Carlisle, Joseph Doniphan, Joseph B. McClintock, and John A. Kirkpatrick, fifteen dollars each, as witnesses against R. B. Carpenter.

To W. K. Thomas, Dr. J. B. Buchanan, Thomas L. Barret, W. J. Heady, R. Jeffrey, J. W. Cassell, Boyd Winchester, F. G. Stidger, Stephen E. Jones, and S. P. Coffin, each ten dollars, for attendance as witnesses in the case of Hon. J. F. Bullitt.

To T. G. Bosley, two dollars for the same.

To G. A. Robertson, State Librarian, for additional services, two hundred dollars.

To G. A. Robertson, attending "back capitol," one dollar per day during this adjourned session.

To W. A. Ronald, sheriff of Jefferson county, two dollars and fifty cents, for summoning witnesses in the Bullitt case.

To A. H. McClure, for like services, seven dollars.

To G. T. Wood, expenses in the Bullitt case, eighteen dollars and seventy-five cents.

To J. B. Bruner, expenses in telegraphing to committee to visit Washington city, four dollars.

To J. D. Pollard, acting one day as Door-keeper to the Senate, six dollars.

To Mrs. E. Hughes, for mail-bag for the House of Representatives, five dollars.

To John C. Galhart, for summoning eight witnesses before the Judiciary Committee, two dollars.

1865.

To John W. Pruett, fifteen dollars, for enveloping Governor's messages for Senators.

§ 2. This act to take effect from its passage.

Approved March 2, 1865.

CHAPTER 1280.

AN ACT to suspend the Running of the Statute of Limitations in the Counties of Bath and Morgan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of the act approved February 20, 1864, entitled "An act to suspend the running of the statute of limitations in certain counties of this Commonwealth," be, and the same is extended to, and shall embrace, the counties of Bath and Morgan.

Acts 1863-4, p. 108.

§ 2. This act shall be in force from its passage.

Approved March 3, 1865.

CHAPTER 1281.

AN ACT to amend Chapter 84, Section 1, title "Roads and Passeways," of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of the Revised Statutes, title "Roads and Passeways," chapter eighty-four, be so amended as to authorize applications for roads to be opened to oil wells, copper mines, or other mines.

2 R. S., 285.

Oil wells and mines.

§ 2. This act shall take effect from its passage.

Approved March 3, 1865.

CHAPTER 1288.

AN ACT to authorize a special term of the Greenup Circuit Court, in the year 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be a special criminal, penal, and equity term, and term for the trial of civil ordinary actions, of the Greenup circuit court, to commence on the 3d (third) Monday of July next, and continue for twelve days, if the business of the court shall require it.

Special July term.]

§ 2. This act shall be, and remain in force, from its passage until the first Monday of August, 1865.

Approved March 3, 1865.

1865.

CHAPTER 1293.

AN ACT to change the time of holding the Quarterly Courts for Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Terms chang'd. § 1. That the time for holding the March and September terms of the quarterly courts for the county of Garrard be, and the same is hereby, changed from the second Mondays of March and September to the fourth Mondays of said months.

§ 2. That all process returnable to the next March term shall be as good and effectual as if returned to the fourth Monday.

§ 3. This act shall take effect from its passage.

Approved March 3, 1865.

CHAPTER 1297.

AN ACT to regulate the time of holding the Circuit Court in the Ninth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Campbell.
(Alexandria.) § 1. That the Campbell circuit court shall be held at the court-house, in Alexandria, on Tuesdays succeeding the third Mondays in August and February, and continue each term five juridical days, if the business shall require the same; and at the court-house in Newport on Tuesdays succeeding the fourth Mondays in May and November, and continue at the May term eleven juridical days, and at the November term seventeen juridical days, if the business shall so require; and
(Newport.) at the court-house in Newport on Tuesday succeeding the second Monday in February, for the trial of equity causes, and continue five juridical days, if the business shall require it.

Kenton. § 2. That the December term of the Kenton circuit court, at Independence, shall hereafter begin on the Tuesday succeeding the third Monday in December, and continue five juridical days, if the business shall require the same; but the equity appearances shall be called for hearing or trial on the first day of the several terms of said court.

Other counties of district. § 3. That all other terms of the circuit court for said district shall commence on Tuesday next succeeding the several Mondays on which they were to be holden, as now provided for by law, and continue as many days, at such terms, as now provided for them, save one.

§ 4. That this act take effect from and after the first day of March.

§ 5. That all process, bail bonds, and recognizances now returnable to the next August term of the Campbell circuit, at Newport, shall be returned at the May term thereof.

Approved March 3, 1865.

CHAPTER 1299.

1865.

AN ACT to extend the July term of the Mercer Circuit, and shorten the Equity term of the Nelson Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the summer term of the Mercer circuit court shall commence on the last Wednesday of June instead of the first Monday in July, and shall continue sixteen juridical days, if the business of said court shall require it, instead of twelve days, as heretofore required by law.

Mercer—~~sum-~~
mer term.

§ 2. That so much of any previous act fixing the June term of the Nelson circuit court as comes in conflict with this act, be, and the same is hereby, repealed; and the said June term of the Nelson circuit court, for the trial of criminal, penal, and equity causes, shall continue seven days, if the business shall require it, instead of twelve days, as now required by law.

Nelson—~~sum-~~
mer term.

§ 3. This act shall be in force from its passage.

Approved March 3, 1865.

CHAPTER 1300.

AN ACT concerning the Re-enrollment of the State of Kentucky.

WHEREAS, The enrollment of persons subject to military duty in Kentucky is very incorrect, and many difficulties are in the way of making corrections in the manner prescribed by the orders of the Provost Marshal General; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor of this Commonwealth be, and he is hereby, requested to apply as speedily as practicable to the President of the United States for permission to have this State re-enrolled, and that such re-enrollment be made the basis for the assignment of the State's quota on the last call for three hundred thousand men, as well as all future calls.

Re-enrollment
of Kentucky.

§ 2. In the event of the Governor's application as above being successful, that he order and direct and require the assessors of tax in the several counties of this Commonwealth to forthwith make out a full and complete enrollment of all persons in their respective counties, between the ages of twenty and forty-five, who are subject to military duty under the laws of the United States, keeping and reporting the enrollment of each voting district in each county separate, in order that each district may have the proper credits for men furnished; and that they (the said assessors) be required also to return to the Secretary of State, as soon as the same is completed, full lists of the enrollment by them made out as above required.

Assessors to
make enroll-
ment.

§ 3. That the Auditor of Public Accounts be required by the Governor to furnish to the assessors such blanks as may be

Blanks.

1865.

Lists to be corrected.

Pay. of justices and assessors.

Copies, where filed.

To be forwarded to Pro. Mar. General, U. S.

Act of no effect in certain event.

necessary to enable them to make out the enrollment as above required.

§ 4. It shall be the duty of the justices of the peace and county judge in each county to assemble at the county seat of each county four times a year—to-wit: in the months of May, August, November, and February—to correct said enrollment lists, such corrections to be by the county judge forwarded to the Secretary of State; and the justices of the peace shall be each allowed the sum of two dollars per day for their services in carrying out the provisions of this act, which shall be levied upon their respective counties, as other claims for services; and the assessors shall be paid the sum of four cents for each name by them enrolled, in the same manner they are paid for their ordinary services. Each assessor shall also file a copy of the enrollment by him made in the county court clerk's office of his county, duly certified by him, and the same shall be safely preserved by the clerk of said court for public use.

§ 5. That it shall be the duty of the Secretary of State, upon receipt of the same, to forward copies of all enrollments, and corrections thereof, which shall come to his office by virtue of the provisions of this act, to the Provost Marshal General of the United States.

§ 6. That the provisions of this act shall not be carried out if the Governor fails in the application authorized to be made by him, and in that event this act shall cease to be of force or any effect; otherwise it shall remain in full force until the end of the present war.

§ 7. That this act take effect from its passage.

Approved March 3, 1865

CHAPTER 1307.

AN ACT in relation to the Agent of the Auditor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acts 1863-4, p. 101.

No compensation to agent in certain cases.

Compensation.

§ 1. That the agent of the Auditor shall not receive any compensation for the performance of any act by him, under the act approved February 20th, 1864, entitled "An act to tax railroads, turnpike roads, and other corporations, in aid of the Sinking Fund," nor shall he receive any compensation upon any judgment of the fiscal court in favor of the Commonwealth against defaulting sheriffs or collectors of tax, nor upon the judgments to enforce any such judgments against such officers.

§ 2. The said agent shall be allowed for all sums which, in the aggregate, he may cause to be paid into the treasury under the law creating his agency, and the acts amendatory thereof, as follows: On the first fifteen thousand dollars, one third; over fifteen thousand dollars, and under thirty thousand dollars, fifteen per cent; and on all over thirty thousand dollars, ten per cent.

§ 3. That said agent shall not receive or collect any claim he may be authorized to ascertain and enforce; but the same shall be paid into the treasury by the person from whom it may be due or by the collecting officer.

1865.
Shall not receive money.

§ 4. That it shall be the duty of the said agent to report to and file with the Auditor, on or before the 10th day of April and the 10th day of October in each year, the number, kind, and amount of the claims, specifying each he may prosecute or ascertain, and the persons against whom they may be, and in what courts prosecuted, and the amount for which judgment may be had.

Shall report to Audit'r--when.

§ 5. Nothing in this act shall be construed so as to require the Commonwealth to pay any of the costs of any prosecution or expenses incurred by said agent in the prosecution or enforcement of any claim.

State to pay no costs.

§ 6. Nothing in any of the laws relating to the agent of the Auditor, authorized to be appointed by the act of 23th February, 1862, shall in any manner be construed to prevent the Auditor from exercising any of the powers conferred on said agent by law, or relieving him from discharging any duties imposed on him by law in relation to any claim of the Commonwealth; and when the Auditor has commenced acting on any claim, the agent shall have no control of it unless under the written order of the Auditor.

Agent to act on written order of Auditor.

§ 7. That all doubts may be removed as to the time when the laws in relation to the agent of the Auditor shall expire, it is hereby declared that this act, and all laws in relation to said agent, shall continue in force for two years from the passage hereof.

Duration of office.

§ 8. No agent of the Auditor shall compound or settle any claim due the State for a less sum than the whole amount due, without the consent and approval of the Auditor in writing.

Power of agent to settle claims.

§ 9. This act shall be in force from its passage.

Approved March 3, 1865.

CHAPTER 1308.

AN. ACT to authorize the President, Directors, and Company of the People's Bank of Kentucky to wind up its affairs or to withdraw its Branch Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president, directors, and company of the People's Bank of Kentucky be, and they are hereby, authorized and empowered to wind up the affairs of said bank, together with its branches, if a majority of the stockholders, represented by stock shall consent or have consented thereto.

Bank may wind up.

§ 2. To effect this, the said president, directors, and company shall have all the powers which may be necessary and proper to withdraw any branch, or wind up and liquidate the affairs of said bank and its branches, upon equitable principles.

May withdraw branches, &c.

1865.

Ratable division of capital and coin among stockholders.

§ 3. That said bank, or president, directors, and company, upon the acceptance of the privileges hereby given, is hereby authorized and required to pay to the individual stockholders, respectively, their ratable proportion of capital as may be distributed, including their ratable proportion of coin on hand, with the understanding that the individual stockholders shall be bound to refund their ratable proportion to cover all liabilities of the bank, in the event the assets retained should prove insufficient for that purpose.

Approved March 3, 1865.

CHAPTER 1321.

AN ACT in relation to Examining Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fees of mayor, &c., holding examining c'ts.

Louisville city judge.

§ 1. That mayors of cities, and other officers, empowered by law to hold examining courts, shall, for their services in such cases, be allowed the same fees that are now by law allowed to justices of the peace for similar services, and that they be paid therefor in the same manner that justices are paid: *Provided*, That the provisions of this bill shall not apply to the judge of the city court of Louisville, and he shall not be entitled to any compensation out of the Treasury, as an examining court, in any case.

§ 2. This act shall take effect from and after its passage.

Approved March 3, 1865.

CHAPTER 1322.

AN ACT to amend Chapter 11, Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 R. S., 224.
"Caveats."

§ 1. That the third and tenth subdivisions of the 1st section of chapter 11 of the Revised Statutes, entitled "Caveat," be, and the same are hereby, so amended as to allow the plaintiff in the caveat, or his agent or attorney, to file a copy of the caveat, certified by the register, in the office of the clerk of the circuit court of the county in which the land, or the greater part thereof, lies, within sixty days from the time when the caveat was entered.

§ 2. That this act shall take effect from and after its passage.

Approved March 3, 1865.

CHAPTER 1325.

1865.

AN ACT to amend an act, entitled "An act to amend, in part, Chapter 61, of Revised Statutes," approved March 10, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the contractor for the distribution of the public books shall be required to distribute the same within forty days, instead of twenty.

§ 2. That section third of said act, to which this is an amendment, be so amended as to allow a sum, not exceeding fifteen hundred dollars, for the distribution of the public books.

§ 3. This act to take effect from its passage.

Approved March 3, 1865.

Acts 1855-6, p. 109.
2 R. S., 117.
Time for distributing public books.
Cost not to exceed \$1,500.

CHAPTER 1327.

AN ACT to amend the act Appropriating Money, passed at this session of the General Assembly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to appropriate money," passed at this session of the General Assembly, be, and the same is hereby, so amended as to allow to John W. Pruett, Sergeant-at-Arms of the Senate, the sum of one dollar and fifty cents per day for the services of a negro boy to wait upon the Senate, in place of one dollar and twenty-five cents, as it is in said bill.

§ 2. This act to take effect from its passage.

Approved March 3, 1865.

See general appropriation act this vol.
J. W. Pruett.

CHAPTER 1332.

AN ACT to confer additional powers upon the Magoffin County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Magoffin county court be, and is hereby, invested with all the power and jurisdiction which the Magoffin circuit court now possesses, in regard to the final settlement and division of decedents' estates, including the power to order and adjudge the sale of the real estate of any decedent to pay his debts where there is a deficiency of personalty and choses in action. All existing laws and regulations in regard to the sales of real estate by order of circuit court in the case herein before indicated, and in regard to the settlement and decisions of estates, shall, so far as the same are applicable, apply to proceedings instituted under this act in the Magoffin court.

§ 2. Any party interested in any proceeding instituted under this act, may prosecute an appeal directly to the court of appeals.

Jurisdiction to settle estates, sell and divide real estate.

Appeals.

1865.

§ 3. This act shall take effect from its passage, and remain in force for two years.

Approved March 3, 1865.

CHAPTER 1339.

AN ACT to incorporate the Paducah Savings Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate
name.

§ 1. That a Savings and Deposit Bank is hereby established at the city of Paducah, to be called the Paducah Savings Bank, and by that name shall have all the rights and privileges of a natural person in contracting and being contracted with, suing and being sued, answering and defending, in the courts of law or equity.

Commissioners
to open books.

§ 2. J. F. Harris, Warren Thornberry, Jesse H. Gardner, A. A. Trimble, J. C. Calhoun, W. H. Jones, and L. W. Flournoy, or any three or more of them, may, at such time and place as suits their convenience, open books for the subscription of stock, which shall be in shares of one hundred dollars each; and when two thousand shares shall be subscribed, and five dollars per share paid thereon, the stockholders may meet and elect five directors, who shall serve one year, and until their successors shall be elected. The directors may annually elect a president of their number.

Election of di-
rectors.

Corporate
powers, &c.

§ 3. The president and directors may adopt a seal and change it at pleasure; they may appoint all necessary agents and officers, fix their compensation, and take bond and security for the faithful performance of their duties; they may prescribe the manner of paying in the stock, and the transfer thereof, and for the forfeiture of stock and payments thereon not fully paid in as required. They shall have a lien on the stock for debts due or to become due to the bank, before other creditors, except the State, and for taxes.

Banking priv-
ileges.

§ 4. This corporation shall have all the ordinary rights and privileges of the chartered savings institutions, banks of deposit, or other banks of the State, except the privilege of issuing notes for circulation. They may receive on special deposit gold and silver coin, United States treasury notes, bank notes, and other currency, and issue certificates thereon, and allow such interest as may be agreed upon, and twice per year, or oftener, declare and pay to stockholders a dividend of profits. They may loan money or discount bills of exchange or promissory notes on personal security, or upon other security, and may take for security bonds or stocks; and on the non-payment of the debt or debts for which such security is taken, may sell the same, as may have been agreed in writing, and pass a good title to the purchaser. And no greater rate of interest shall be charged on the discount of notes than six per cent.

§ 5. The president and directors shall annually appoint the time and place for holding the election of their successors, and any two or more of their number shall attend and conduct the said election.

§ 6. The Legislature reserves the right to alter, amend, or repeal this charter.

§ 7. This act to take effect from its passage.

Approved March 4, 1865.

1865.

Annual election of directors.

CHAPTER 1354.

AN ACT to incorporate a Savings and Deposit Bank in the city of Louisville, to be called the Union Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a savings and deposit bank is hereby established at the city of Louisville, to be called the Union Bank, and by that name shall have all the rights and privileges of a natural person, in contracting and being contracted with, suing and being sued, answering and defending, in the courts of law or equity.

Corporate name.

§ 2. John B. Smith, Thomas Fosdick, W. L. Hite, Isaac Caldwell, and M. G. Anders, or any three or more of them, may, at such time and place as suits their convenience, open books for the subscription of stocks, which shall be in shares of one hundred dollars each; and when five thousand shares shall be subscribed, and five dollars per share paid thereon, the stockholders may meet and elect five directors, who shall serve one year, and until their successors shall be elected. The directors may annually elect a president of their number.

Commissioners to open books.

§ 3. The president and directors may adopt a seal, and change it at pleasure. They may appoint all necessary agents and officers, fix their compensation, and take bond and security for the faithful performance of their duties. They may prescribe the manner of paying the stock, and the transfer thereof, and for the forfeiture of stock and payments thereon not fully paid in as required. They shall have a lien on the stock for debts due or to become due the bank before other creditors, except the State, and for taxes.

Election of president and directors.

Their powers.

§ 4. This corporation shall have the ordinary rights and privileges of the chartered savings institutions and banks of deposit of the State. They may receive on special deposit gold and silver coin and bank notes, United States treasury notes, and other currency, and issue certificates thereon, and allow such interest as may be agreed upon, and twice per year, or oftener, declare and pay to stockholders a dividend of profits. They may loan money or discount bills of exchange or promissory notes on personal security, or upon other security, and may take for security bonds or stocks; and, on the non-payment of the debt or debts for which such security is taken, may sell the same, as may have been agreed in writing, and pass a good title to the purchaser: *Provided,*

Banking privileges.

1865.**Annual elections.**

That said corporation shall not charge more than six per cent. per annum on any loan made.

§ 5. The president and directors shall annually appoint the time and place for holding the election of their successors, and any two or more of their number shall attend and conduct said election.

§ 6. This act to take effect from and after its passage; and the Legislature reserves the right to repeal, alter, or amend this charter at all times.

Approved March 4, 1865.

CHAPTER 1355.

AN ACT to incorporate the City Bank of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporated.**Name.**

§ 1. That there is hereby established a bank of deposit in the city of Louisville, with a capital of one million of dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body politic and corporate, by the name and style of the City Bank, and shall so continue for twenty years from its organization, and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever. It may have a common seal, and change and renew the same at pleasure.

Directors.

§ 2. Said bank shall be under the control and direction of five directors, each of whom shall be stockholders. They shall be residents of this State, and, after the first election, shall be elected annually on the second Monday in January in each year, and hold office until their successors are elected and qualified. They shall elect one of their number president, and shall hold regular meetings at such time as may be fixed by the by-laws, and other meetings may be had whenever deemed necessary; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors.

Their powers, &c.

The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may at any time choose to sell, to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sum as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from to time, establish; but such corporation shall have a lien on the stock to secure any indebtedness by the stockholder.

Stock.**Commissioners to open books.**

§ 3. H. A. Griswold, Isaac Everett, Richard Knott, James Trabue, and John P. Morton, are hereby appointed commis-

1865.

sioners, any two of whom may open books and receive subscriptions for the capital stock; and, when five hundred shares have been subscribed, it shall be their duty to give notice, in two or more daily newspapers published in said city of Louisville, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be made as follows: Five dollars on each share at the time of subscribing, and twenty dollars within ten days after the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every thirty days: *Provided*, That, after twenty-five thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving notice of their intention in some daily newspaper in said city for thirty days, the directors may, by resolutions entered on their record, forfeit such stock, and resell the same, at such time and place as they may deem expedient; and all partial payments made on any stock which shall be then forfeited, shall be held for the benefit of the corporation. Said corporation may commence business so soon as twenty-five thousand shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice.

When to commence business.

§ 4. Said bank may receive deposits of gold, silver, bank notes, and other notes, which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, as may be agreed upon with the depositors, by special or general contract. May deal in the loaning of money, exchange, promissory notes, and other evidences of debt, take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon, in all respects as natural persons may do under the common law and the promissory notes made negotiable and payable at its banking house, or at any bank and inland bills, which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers; and, generally, this corporation shall have the rights and privileges granted to all and either of the chartered saving institutions and deposit banks of this State.

Banking privileges.

§ 5. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the constitution and laws of this State or of the United States.

Real and personal property.

§ 6. It shall be the duty of the president, on the first Monday in January, in each year, to pay into the treasury of the State

State tax.

1865.

fifty cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus, and be a part of the Sinking Fund for this Commonwealth.

Penalty on officers for false entries.

§ 7. If the cashier, clerks, teller, or other officers, shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowing make false ones on the books of the bank, with intent to cheat or defraud the corporation, or any other person, or to conceal any improper appropriation of funds, the person so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this Commonwealth for a period of not less than two nor more than twenty years.

Not to issue notes as currency.

§ 8. It shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 9. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 10. This act may take effect from its passage.

Approved March 4, 1865.

CHAPTER 1368.

AN ACT concerning the Washington Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Civil Code, sec. 376.

Dockets.

Rules of practice.

§ 1. That the Washington circuit court shall have no other dockets than those named in section 376 of the Code of Practice in civil cases, and the causes shall be placed on said dockets only as directed by sections 377, 380, and 381 of the Code of Practice in civil cases, and in no other manner.

§ 2. That the said court shall prescribe no other rules of practice for its government except those prescribed by the Code of Practice in civil cases, and the rules of law and equity not in conflict with the said Code or this act.

§ 3. This act shall take effect from its passage.

Approved March 4, 1865.

CHAPTER 1388.

AN ACT to amend Chapter 83 of the Revised Statutes, title "Revenue and Taxation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ R. S., 238.

Additional tax of 5 cents upon the \$100.

§ 1. That hereafter, commencing with the assessment of the year 1865, an additional annual tax of five cents upon each one hundred dollars of value of the real and personal estate, subject to taxation for revenue purposes in this Common-

wealth, shall be paid by the persons assessed, to be applied to the ordinary expenses of the Government.

1865.

§ 2. This act shall take effect from and after its passage.

Approved March 4, 1865.

CHAPTER 1389.

AN ACT to amend section 760, Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 760, Civil Code of Practice, be amended, by adding to said section these words, to-wit: But the plaintiff or defendant may file his affidavit that he does not believe that the plaintiff or defendant, who has not verified the petition, answer, or reply, can truthfully verify such pleading by his oath, and that the matters therein set out are in the personal knowledge of such party, it shall, in such case, be the duty of the court to compel such party to verify such pleading, reasonable time therefor being given, and, upon the failure of such party to verify such pleading, if a petition or cross-petition to dismiss the same, if an answer or reply to suppress the same, and render judgment in the action as to such defaulting party, as though no answer or reply had ever been filed.

Civil Code, sec.
760.
Verification of
pleadings.

§ 2. This act shall take effect from its passage.

Approved March 4, 1865.

CHAPTER 1390.

AN ACT to amend Section 611, Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 611, of the Civil Code of Practice, be amended by adding to said section the following, to-wit: But whenever such affidavit or pleading shall be verified by agent or attorney of the plaintiff or defendant, the opposing party may make and file his affidavit that he does not believe that the party whose agent or attorney verified such pleading or affidavit, can truthfully verify the same with his oath, and that the matters therein alleged are in the personal knowledge of such party; upon the filing of such affidavit, it shall be the duty of the court to compel such party to verify the said affidavit or pleading in person, reasonable time therefor being given; and upon the failure of such party to make the verification as aforesaid, it shall be the duty of the court to dismiss the petition or suppress the answer, reply, or affidavit, and render judgment accordingly.

Civil Code, sec.
611.
Verification of
pleadings by
attorneys and
agents.

§ 2. This act shall take effect from its passage.

Approved March 4, 1865.

1865.

CHAPTER 1400.

AN ACT to authorize the Road Commissioners to superintend the Militia on the road leading from London to the Tennessee line.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Militia to work
on State road.

§ 1. That the militia residing within one mile of the State road leading from London to the Tennessee line, by way of Williamsburg, shall be liable to perform labor thereon, subject to the supervision of the commissioners respectively: *Provided*, That no one shall be required, under this act, to labor more than six days in any one year, subject to the laws now in force concerning county roads.

§ 2. This act shall be in force from and after its passage.

Approved March 4, 1865.

CHAPTER 1403.

AN ACT in relation to the taking and transmission of Depositions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Civil Code, sec.
646.

Transmission
of depositions
where mails
are interrupted
may be by pri-
vate hand.

§ 1. That in all cases where depositions have heretofore been taken in pursuance to the laws now in force, and the mails were, for any cause, so interrupted between the place where said depositions were taken and the place where they were to be used, that said depositions could not be sent by mail, but were conveyed by private conveyance to the clerk of the court where said depositions were to be used, and no exceptions have been sustained to such depositions, the said depositions may be read in evidence, notwithstanding they were not transmitted by mail as now required by law: *Provided*, The person conveying said depositions shall make an affidavit that the same have not been opened by him, nor by any person, to his knowledge, before they were delivered to the clerk.

Affidavit to be
made.

§ 2. That in all cases where the mail service is so interrupted, from any cause, between the place of taking depositions and the place where they are to be used, that they cannot be conveyed by mail, it shall be lawful for the officer taking said depositions to transmit said depositions by private conveyance: *Provided*, The person conveying said depositions shall make oath that the depositions were not opened by himself or any person in their transit.

§ 3. This act shall take effect from its passage.

Approved March 4, 1865.

CHAPTER 1407.

1865.

AN ACT to increase the Compensation of the Sergeant and Tipstaff of the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sergeant and tipstaff of the court of appeals shall each receive, for each day they attend the sessions of the court of appeals, three dollars.

§ 2. This act to take effect from its passage.

Approved March 4, 1865.

CHAPTER 1410.

AN ACT to regulate the Manner of Computing Time in the application of the Statutes of Limitations in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all actions for wrongs to the person of any one, or to his wife or minor child, or the immediate wrong to his or their property, where the cause of action has accrued since the first day of September, 1863, the period of time between the first day of September, 1863, and the termination of the present rebellion, shall be deducted from the computation of time in which, by law, the statute of limitation would apply.

2 R. S., 129,
sec. 3.
Injuries to
person or prop-
erty.

Approved March 4, 1865.

CHAPTER 1424.

AN ACT to regulate the Jurisdiction of Justices of the Peace for Jefferson and Kenton Counties.

WHEREAS, Doubts exist as to the true construction of the act passed February 22, 1864, concerning the jurisdiction of justices of the peace in Jefferson county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That justices of the peace for Jefferson and Kenton counties shall have original common law jurisdiction of all actions and proceedings, regardless of kind or nature of the action, where or when the matter in controversy, or sued for, exclusive of interest and cost, does not exceed one hundred dollars; and said justices in like manner shall have equity jurisdiction where the matter in controversy, or sued for, does not, exclusive of interest and costs, exceed thirty dollars: *Provided*, Said justices shall not have jurisdiction in any case where the title of real estate is involved, or any action to enforce a mortgage or lien.

Jefferson coun-
ty.

§ 2. That so much of the act passed the 25th February, 1864, chapter 533, as is contrary to this act, be, and the same is, repealed; and this act shall take effect from its passage.

Acts 1863-4, p.
481.

Approved March 4, 1865.

1865.

CHAPTER 1426.

AN ACT concerning the Southern Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notes of bank
no longer mo-
ney.

§ 1. That the bank notes of the Southern Bank of Kentucky shall no longer circulate as money, but shall be placed on the same footing, in every respect, as the promissory notes of individuals—said bank being now in liquidation by authority of the act of the General Assembly of the Commonwealth of Kentucky, approved the 22d December, 1863, and having ceased to be a bank of issue or circulation.

§ 2. This act to take effect thirty days from and after its passage.

Approved March 4, 1865.

CHAPTER 1427.

AN ACT to prescribe Punishments for Abuses at Ferries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Penalty for
over charge of
ferriage.

§ 1. That if the proprietor or keeper of any ferry, or his servant or agent, shall demand or take from any person a greater sum for ferriage than is allowed by the order of the court fixing the rates of toll at his ferry, he and the owner of such ferry shall forfeit and pay the sum of twenty-five dollars to each person so overcharged; and, after the first forfeiture and conviction, they shall, for every like offense, forfeit and pay the sum of one hundred dollars to the person overcharged.

Penalty for
failing or re-
fusing to run
ferry.

§ 2. That if any keeper of a ferry shall, in person or by agents, fail or refuse to put any person immediately across at their ferry, without a reasonable excuse therefor, such owner or keeper shall forfeit and pay to each person aggrieved the sum of twenty-five dollars for each offense; and, for every like offense committed after the first forfeiture and conviction, they shall forfeit and pay to the person aggrieved the sum of one hundred dollars: *Provided*, That nothing herein shall be construed as depriving the proprietor or keeper, or his agent, of the right to delay a reasonable time between trips.

Penalties, how
enforced.

§ 3. That the forfeitures denounced in the 1st and 2d sections of this act may be recovered by the person aggrieved by ordinary action in any court having jurisdiction to render judgment for the sum claimed to be forfeited, which judgment may be enforced by writ of *fieri facias* or *capias ad satisfaciendum*, at the election of the plaintiff.

Subject to in-
dictment.

§ 4. That every owner or keeper of a ferry, his agent or servant, who shall be guilty of any of the offenses mentioned in the 1st and 2d sections of this act, shall, for each offense, be liable to be indicted in the circuit court of the county where the offense was committed; and, upon trial and conviction in such court, such persons shall be fined, for the first offense, fifty dollars, and for every subsequent offense one hundred dollars,

Penalties.

twenty per cent. of which shall go to the Commonwealth's attorney, and the residue to the jury fund of the county; but no conviction shall be had under this section in any case where the person aggrieved has sued for and recovered the penalties prescribed in the 1st and 2d sections of this act; nor shall the persons aggrieved by such wrongful act recover the penalty therefor after any indictment for such act has been reported in the circuit court.

§ 5. This act shall take effect thirty days after its passage.

Approved March 4, 1865.

1865.

No conviction where aggrieved party has had redress.

CHAPTER 1438.

AN ACT to amend the Charter of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the general council of the city of Louisville shall have power to pass ordinances to prohibit the storing or keeping within the city limits, except in such quantities and manner, and under such terms and regulations, as may be prescribed by ordinance, articles as follows, viz: Camphene, petroleum, rock and earth oils, benzole, benzine, naphtha, uninspected oils, and any other articles of an inflammable or offensive nature, or which would endanger property or health, or be offensive or uncomfortable to the public or those residing or doing business in the neighborhood; and shall have power to provide for the removal of such articles from within the city limits, at the cost of the owners of said property, upon which a lien is hereby created for the cost of such removal.

Power to regulate and prohibit storage of oils, &c., in city limits.

§ 2. And said general council shall have power to impose fines, to any amount, to enforce a compliance with the provisions of any ordinance passed, as permitted by this act.

May enforce ordinances by fines.

§ 3. This act shall take effect from its passage.

Approved March 4, 1865.

CHAPTER 1447.

AN ACT to amend an act, entitled "An act for the benefit of the Kentucky Penitentiary."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners appointed in an act, entitled "An act for the benefit of the Kentucky Penitentiary," approved February 10, 1865, be, and they are hereby, authorized to appropriate such portion of the money provided in said act for making improvements therein specified, as they may find necessary to pay expenses of advertising, superintendence of work, and other incidentals; and that they may issue certificates, from time to time, for such expenditures as are incurred

Vide this vol., chap. 888

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in the same manner as is provided in said act in reference to contracts for said improvements.

§ 2. This act to take effect from its passage.

Approved March 4, 1865.

CHAPTER 1450.

AN ACT to amend various acts of incorporation passed at the present session of the General Assembly.

WHEREAS, The liabilities of the State have been greatly increased by the war, and from the same cause the resources of the State have been diminished; it is, therefore, the interest of the State to use all lawful and legitimate means to invite and encourage capital to seek investments in the State, to the end that the vast mineral and other material resources of the State may be developed; and it is feared that in incorporating companies for this purpose, at the present session of the General Assembly, restrictions, in some respects too great, have been imposed, and safeguards, in other respects, omitted; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Repeal of re-
pealing clauses.

§ 1. That so much of all acts of incorporation for petroleum, oil, mining, manufacturing, navigation, and transportation companies, and acts combining one or more of said objects, passed at the present session, as reserves the right to the General Assembly to amend, alter, modify, or repeal said acts, is hereby repealed.

2 R. S., 121.

§ 2. That the acts of incorporation in the first section of this act named, or any like corporation hereafter incorporated, shall each and all of them be, and they are hereby, made subject and placed under all the provisions and restrictions of an act, entitled "An act reserving power to amend or repeal charters and other laws," approved February 14, 1856, as fully as if said provisions and restrictions were part of said acts of incorporation, and notwithstanding anything in said acts themselves.

Corporations
have equal
privileges.

§ 3. That all the corporate rights, powers, and privileges granted to, or conferred upon, any of the companies, or upon any like incorporation hereafter incorporated by any of the acts in the first section of this act named, shall be, and are hereby, given and conferred upon each and all of them, so far as the same may be applicable, that all may be placed upon an equality.

Banking priv-
ileges withh'd.

§ 4. That all and every banking privilege, or power to deal in bills of exchange, or to do any act, in violation of the laws of this Commonwealth against usury, be, and the same are hereby, withheld and repealed.

Tax of \$100
upon going in-
to operation.

§ 5. That before any of the companies in the first section of this act named, or any like company hereafter incorporated, shall go into operation, or have any of the benefits of their several acts of incorporation, such company shall pay a bonus of one hundred dollars into the Treasury of this State, who

reserves the full power of taxation over each and all of said corporations. Any company so incorporated failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and the president, directors, and treasurer thereof, or either of them, shall be liable to indictment in any county in which said company may have an office for conducting the business of the corporation, or in which such company may be operating, and, upon conviction, shall be fined a sum not less than two, nor more than five hundred dollars.

1865.

Penalty for failing to pay said tax.

§ 6. That all and each of the charters granted and named in the first and second sections of this act shall expire and cease at the end of thirty years from and after the day of their respective approvals: *Provided, however,* That nothing herein shall be construed as preventing said corporations from operating and running, after the thirty years, any railroads made by any of them under a grant of power in their charter: *And provided further,* That nothing in any of said acts of incorporation shall be construed as preventing the Legislature from making or authorizing the making of any railroads parallel with, or crossing any of the railroads made by said corporations, or any of them.

All charters expire after 30 years.

But may operate railroads and work mines.

§ 7. This act shall take effect from its passage.

Approved March 4, 1865.

CHAPTER 1455.

AN ACT to organize and discipline the Militia of Kentucky.

SECTION I. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Kentucky militia shall be divided into three classes:

1. The Active Militia.
2. The Enrolled Militia.
3. The Militia of the Reserve.

Militia divided into three classes.

ARTICLE I.

Of the Militia of the Reserve.

SEC. I. The Militia of the Reserve shall consist of all white male persons less than eighteen and more than forty-five years of age, resident in the State, and of all other persons exempt by law from enrollment and from military service, and not members of the Active Militia.

Militia of the Reserve, who compose the.

SEC. II. The Governor is hereby vested with full authority to call into the State service all or any portion of the militia of the State, whenever the public exigencies may require them to be so called into service; but the Militia of the Reserve shall be called into service only on occasions of extreme danger to the State.

When called into service.

ARTICLE II.

Of the Enrolled Militia.

SEC. I. The Enrolled Militia shall consist of all able-bodied white male persons between the ages of eighteen and forty-

Enrolled militia, who compose the.

1865.

five years, who may be citizens or residents of the State, except persons who may be members of the Active Militia, and persons already exempt from military service by the laws of the United States or of this State.

How enrolled.

County clerk.

SEC. II. It shall be the duty of the assessors to prepare a list annually of all persons liable to be enrolled, living within their respective limits; and they shall annually make out a roll or list of all such names, and place it, before the first day of June, in the hands of the clerk of the county in which such persons live; and it shall be the duty of every such clerk, immediately thereafter, to record said roll or list of names in a book to be provided for that purpose, in the same manner as other books of record are provided; and such record shall be deemed a sufficient notification to all persons, whose names are thus recorded, that they have been enrolled in the militia. The county judge, and county court clerk of each county, upon satisfactory proof, are authorized to correct said rolls by adding the name of any person omitted, or striking off the name of any person improperly enrolled.

Tax books to
have militia
column.

SEC. III. That in all tax books, or forms furnished by the Auditor, there shall be provided a column for the names of all members of the Enrolled Militia; and also a column in which shall be placed the amount due from such militiamen to the militia fund, or the statement that he belongs to the Active Militia, as hereinafter provided for.

County court
clerk to make
annual return
of militia.

SEC. IV. That it shall be the duty of the clerk of every county court to transmit to the Adjutant General of the State, prior to the first day of September, in every year, an annual return, stating the number of militia of such county that have been enrolled; also, a list of such as are members of the Active Militia.

Pay to asses-
sor and clerk.

SEC. V. That, for the services required by this act of the assessor and county court clerk, there shall be allowed to each of those officers the sum of one cent for each name returned by the assessor and enrolled by the clerk.

Penalty for
neglect.

SEC. VI. All county clerks, assessors, sheriffs, or other civil officers, upon whom are devolved the discharge of specific duties under this act, who shall neglect or refuse to obey the provisions of law herein specified, shall forfeit and pay not more than five hundred nor less than twenty dollars for each and every offense, to be recovered in any court of competent jurisdiction, for the use of the militia fund.

Regimental
districts.

SEC. VII. Each county shall be considered a regimental district of Enrolled Militia, or one county may, by the Inspector General, be divided into two or more regimental districts; or two or more counties, or parts of counties, may be combined into one or more regimental districts, due regard being had to the enrolled strength.

Election of
officers, and
term of office.

SEC. VIII. All officers of the militia, with the exception of staff officers, shall be chosen for the term of five years; and in the event of the re-election or re-appointment of an officer to the same position at the expiration of his term of office, his rank shall date from his first commission.

SEC. IX. All staff officers and non-commissioned officers of the militia, shall hold their offices at the pleasure of the officers appointing them.

1865.

Staff officers.

SEC. X. On every enrolled militiaman who does not become, within twenty-five days after the passage of this act, a member of the Active Militia, there shall be assessed, in lieu of military service, the sum of five dollars annually, to be collected in the same manner, and by the same means, as are provided for collecting the county levy. All sums thus collected shall be paid into the State treasury, in the same manner as other taxes; but shall be kept as a distinct military fund, to be used and disbursed only as is hereinafter provided for.

Militiaman to enroll in active militia. Fine for neglect.

SEC. XI. All officers shall make such reports and returns, from time to time, as may be required in orders or regulations from the Adjutant General or Commander-in-Chief.

Reports and returns by officers.

SEC. XII. When any portion of the Enrolled Militia or Militia of the Reserve shall be called into the service of the State in time of war or public danger, it shall be subject to the same laws, rules, and regulations that govern the Active Militia.

Enrolled or reserve militia, how governed in active service.

Exemptions.

SEC. XIII. In addition to the persons exempted from enrollment in the militia by the laws of the United States, or by previous sections in this act, all coming under the following heads shall be exempt from enrollment, viz:

Exemption from militia service.

1. All persons in the army or navy, or volunteer forces of the United States.

2. All officers, non-commissioned officers, musicians, and privates, who, after the passage of this act, shall have served five years in the Active Militia of the State: *Provided, however,* They are liable to duty in case of war, insurrection, or invasion.

3. Every person physically disabled may be exempted from military duty, if he files with the county court clerk, on or before August 15th of every year, a statement of a reputable physician or surgeon, certifying that such person is unfit for military duty by reason of such physical disability or bodily infirmity, which shall be described in said statement. This statement must be verified by the affidavit of said physician or surgeon. If any person shall knowingly or willfully make a false affidavit in this matter, he shall be deemed guilty of perjury.

4. Idiots, lunatics, and felons convicted of infamous crimes, unless pardoned, shall not be subject to military duty.

SEC. XIV. Commanders of companies shall, on or before the 15th of August of each year, deliver to the clerk of the county court in which their company, or the majority of the same, reside, certified copies of the company rolls, showing the name, age, and description of each member of his company.

Company rolls, when returned.

SEC. XV. In addition to the staff officers at present authorized by law, the Governor and Commander-in-Chief shall appoint an Inspector General, with the rank of Major; and the

Inspector General, how appointed.

1865.

His duties in
organizing mi-
litia.

Volunteer
companies, how
organized.

Election of
officers.

May require
reports, exam-
ine books, ac-
counts, and pa-
pers as to dis-
bursements of
military fund.

Other duties.

Examine ar-
mories, arse-
nals, &c.

Require quar-
terly reports
from subordi-
nates.

May disband
disorderly mi-
litia.

Penalty for
appearing as
militia before
regularly mus-
tered, how en-
forced and col-
lected.

same person shall not be Adjutant General and Inspector General.

1. The Inspector General shall, under the Commander-in-Chief, direct and superintend the formation and organization of the militia.

2. The Commander in-Chief shall cause all existing volunteer companies, and all volunteer companies raised under the authority of this act, to be mustered into the service of the State; and shall thereafter organize them successively into battalions, regiments, brigades, divisions, and army corps, as their strength and the necessities of the service may require.

3. He shall have authority to issue orders for the election, on reasonable notice, of all officers.

4. He shall have authority to require from all officers, at any time, such reports and returns as may be necessary to inform himself of the military condition of any portion of the force under his command; and to examine also the books, accounts, and papers of officers charged with the disbursement of military funds, and to demand from such officers a strict and detailed account of all public disbursements. He shall also supervise the action of councils of administration, and restrain their appropriations within the limits prescribed by law.

5. He shall have authority to examine into the condition of the armories, arsenals, or other places of deposit or safe-keeping of the public arms; and in case of defective arrangements by any of the counties, for the preservation of the arms held by any portion of the militia therein, he may require better provisions for their safe-keeping, or he may require that they shall be surrendered to the State.

6. It shall be his duty to require quarterly reports in writing from subordinate commanders, in order that the information may reach the Auditor of Public Accounts, any loss or unnecessary damage to the public arms or property of which he may have information.

7. He shall have authority, at any time, by issuing his orders to that effect, to disband any portion of the military force under his command which may evince a mutinous or disorderly spirit, and to deprive them of their arms; a copy of which order shall be transmitted to the clerk of the county court of the county in which said force was raised, after which it shall be considered a misdemeanor in any person so discharged to appear with State arms in his possession, or as any portion of the volunteer force, until again regularly mustered into service, under the penalty of not less than twenty-five dollars for each offense; and such person shall be proceeded against, before any justice of the peace, by the attorney for the county where such person may happen to be, on information given by any officer of the militia, or by any citizen of the county; and all fines collected from such person shall be paid over to the county clerk, who shall pay it into the State Treasury as part of the military fund.

1865.

8. It shall be his duty, when practicable, to drill and inspect in person, at least once in each year, every part of the militia; and he may order such inspections at any time.

Drill and inspection.

9. He shall make, prior to the first day of December, a return to the Legislature of the strength and organization of the militia, and of the state of their arms and equipments, accompanied by a report showing the condition of the whole force as to instruction, discipline, and efficiency.

Report to the Legislature strength, &c., of militia.

10. He shall have authority, from time to time, to make requisitions on the Auditor of Public Accounts for such stationery and books of record as may be necessary for the business of this department; and it shall be the duty of the Auditor to furnish the same upon his requisition.

Stationery & record books.

11. He shall have authority to publish, for distribution to the militia, such general orders and regulations as may be necessary for their use and instruction; the cost of which shall be paid on the warrant of the Auditor upon the approval of the Commander-in-Chief.

General orders to be published.

12. He shall have authority to publish, for like distribution, such blank forms and general regulations as may be necessary for the militia; and the Public Printer is hereby directed to furnish the same.

Blank forms.

13. He may convene courts of inquiry to investigate and examine into any matter connected with the discipline or military condition of any part of the militia force; and may also convene general courts-martial for the trial of any offender against any of the military laws. And it shall be his duty to order the prosecution of all officers against whom he may entertain charges of incapacity, neglect of duty, embezzlement, or misapplication of public money or property, ungentlemanly or unofficer-like conduct, or any conduct to the prejudice of good order and military discipline.

May convene courts of inquiry and courts-martial.

14. He may appoint, as his assistants, in the discharge of his duties, the following staff officers: one Assistant Inspector General, who shall also be Assistant Adjutant General, with the rank of Captain; one Assistant Quartermaster General, who shall also be Assistant Commissary General of Subsistence, with the rank of Captain; one Assistant Paymaster General, and one Surgeon, each with the rank of Major; and one Assistant Surgeon, with the rank of Captain; and two Aids-de-Camp, with the rank of Lieutenant.

His staff officers.

15. He may cause to be assembled, for purposes of encampment and military instruction, at suitable points, such portions of the militia as can be conveniently and economically brought together; and when thus assembled, it shall be his duty to have said force commanded and instructed, both theoretically and practically, according to the system of tactics and other military instruction prescribed; but no such encampment for purposes only of instruction, in time of peace, shall be required to continue a longer period than six days for the same troops.

Encampments.

16. He shall have authority to employ such clerks, not exceeding six in number, as the business of the offices of Adjutant General, Inspector General, Quartermaster and Com-

May employ clerks.

1865.

No clerk to be appointed unless he has rendered military service.

Preference to be given to wounded.

Inspector General's salary.

Expenses and mileage.

Division and brigade inspectors.

Assistant Inspector General.

Adjutant General, his duties.

Record of commissions and correspondence.

Quartermaster General.

missary, may demand, who shall be paid from the Military Fund, on the certificate of the Quartermaster General as to the compensation allowed each clerk, which certificate must be approved by the Governor; and for this purpose the sum of five thousand four hundred dollars is appropriated from the Military Fund to pay the clerks: *Provided, however.* That no clerk shall be employed in the office of the Adjutant General, Quartermaster General, and Commissary and Inspector General, who has not, prior to his employment, rendered military service in the field to the State of Kentucky, or the United States, for a period of twelve months, unless sooner discharged by reason of wounds or disease contracted in the service; and preference shall be given to such as have been wounded or incurred disease in the line of duty as soldiers.

17. The Inspector General shall receive a salary of two hundred dollars per annum, when not engaged in active service in war, which shall be paid in the same manner as other salaries on the warrant of the Auditor. In active service in time of war he shall only receive the pay of a Major of Infantry from the Military Fund. The Inspector General, or any officer to whom the duties may have been properly delegated by his written orders, stating the necessity therefor, shall also be reimbursed the necessary and proper expenses of travel, excluding subsistence, &c., incurred by him in the execution of the duties enjoined by this act, not exceeding five cents per mile. A detailed account of such expenses, accompanied by his certificate, on honor, that they were incurred in the execution of the duties of his office, shall be presented, from time to time, and, when approved by the Commander-in-Chief, shall be paid on the warrant of the Auditor, in the same manner as other claims against the Military Fund.

SEC. XVI. The Division and Brigade Inspectors shall be under the orders of the Inspector General, and shall be considered as belonging to his department.

SEC. XVII. In the temporary absence of the Inspector General, the Assistant Inspector General shall discharge his duties, under such rules and regulations as may be prescribed by the Inspector General or Commander-in-Chief.

SEC. XVIII. The Adjutant General shall be the medium of military correspondence with the Commander-in-Chief, and may call for such returns from officers of the militia as may be necessary to obtain the information required in his office; and shall distribute to the militia such blank forms and muster rolls as are required. He shall keep records of all military commissions issued by the Governor, with the dates of the same; and shall keep in his office copies of all his official correspondence, and also a correct register of the organization of the militia, and shall turn over to his successor all records and papers belonging to his office. He shall likewise be required to discharge such additional duties as the Commander-in-Chief may prescribe.

SEC. XIX. 1. The Quartermaster General, and the subordinates of his department, shall perform also the duties of the

commissariat, or all the duties which especially relate to the subsistence of the troops.

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2. The Quartermaster General shall be especially charged with the preservation and safe-keeping of the State arms, equipments, and munitions of war, of every kind and description, and shall issue the same only in pursuance of law, on a written order from the Governor; and any person unlawfully breaking and entering in the day time or night season, any arsenal, store-house, or other building where military property of this State or United States is kept, shall be deemed guilty of a felony, and, upon conviction, be punished as for burglary.

Shall preserve property.

Breaking in-
to arsenal and
store-house.
how punished.

3. The Quartermaster General shall make an annual return to the Inspector General, by the first day of November, of all arms and other public property in his possession, and of all that has passed from his possession, accompanied by vouchers showing from whom received, and to whom and by what authority issued, and showing particularly the condition of the property remaining on hand.

Returns to be
made to Inspe-
ctor General.

4. When any portion of the militia shall be ordered to assemble, under the authority of the Commander-in-Chief, either for purposes of military instruction, or for service in time of war or public danger, the officers of the Quartermaster's Department, with the approval of the commanding officer, and subject to such restrictions as may be imposed by their commanders, and by the orders of the Commander-in-Chief, shall have authority to contract, in writing, for the necessary transportation of the troops to and from their rendezvous, and for their subsistence during the term of their service; the ration of subsistence being computed as the equivalent to that furnished to troops in the United States service. Such contracts for transportation and subsistence, when certified by the commanding officer to have been satisfactorily carried out, and when approved by the Commander-in-Chief, shall be paid as other claims against the Military Fund on the warrant of the Auditor; but the commanding officer for the time being, or the Commander-in-Chief, shall have authority to terminate such contract at any time that its continuance may appear to be disadvantageous to the State; and a clause to that effect shall be inserted in every contract.

To provide
subsistence, &c
for militia in
active service.

How paid.

5. In the absence of an officer of the Quartermaster's Department, the commanding officer shall either perform the duties himself, or direct another officer to discharge them; who shall be paid for his service at the same rate of the absent officer for the time so engaged, to be deducted from the pay of the absent officers.

When absent,
how his duties
to be perform-
ed.

6. The Quartermaster General shall have authority to pay for the transportation of all arms and public stores issued to troops and received into the State arsenal from other parts of the State. His accounts for the amount of such transportation, when approved by the Governor, shall be paid on the warrant of the Auditor.

Transporta-
tion of public
arms, how paid
for.

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ARTICLE III.

Of the Active Militia.

Active Militia to be styled Kentucky National Legion.

When to be called into active service.

May be relieved after sixty days.

Organization of active companies of infantry, artillery and cavalry.

Artillery.

SEC. I. The Active Militia shall be styled the Kentucky National Legion, and shall be composed of all companies organized in the different regimental districts in the State, both of volunteer or drafted men, as provided for in this act. And in case of war, invasion, the prevention or reasonable apprehension of invasion, the suppression of riots, and to aid civil officers in the execution of the laws of the State, or of the United States, shall first be ordered into service: *Provided*, That during the existing rebellion, in case of actual or threatened invasion, or apprehended insurrection, and obstruction to the execution of the laws, the Governor, whenever, in his opinion, the public safety demands it, may call into and continue in the field, upon active duty, such numbers of the Legion by regiments, battalions, squadrons, batteries, or companies, as organized under this law, for such period, and under such rules and regulations for calling them into the field, as he may deem necessary and proper, and for that purpose may establish camps of instruction and rendezvous for such troops: *Provided further*, That regiments, battalions, squadrons, companies, or batteries, thus called to such camps and into active duty, may, if the public interests will not thereby be damaged, be relieved, after a period of service of sixty days, by other regiments, battalions, squadrons, companies, or batteries, called in like manner to relieve them.

SEC. II. The Commander-in-Chief may authorize the formation of such number of active companies of infantry, artillery, and cavalry, as the good of the service may indicate, to be apportioned throughout the State by the Commander-in-Chief, as nearly as may be in accordance with the population thereof, and of the strength respectively prescribed for volunteers in the service of the United States, and order elections therein, which shall be conducted in accordance with the provisions of this act; and the Commander-in-Chief may prescribe for every such volunteer company or battery such rules and regulations as in his judgment will increase the discipline and efficiency of the same, and may consolidate any detachments of the same arm, or he may disband them and order the officers to be mustered out, as he shall deem proper. And in the artillery arm, volunteer batteries may be organized, if the Commander-in-Chief shall deem proper, as follows: For a battery of two guns, one First Lieutenant, three sergeants, four corporals, one musician, one artificer, and not less than thirty-eight nor more than forty-one privates. For a battery of four guns, one Captain and one First Lieutenant, six sergeants, eight corporals, two musicians, two artificers, one wagoner, and not less than seventy-six nor more than eighty-one privates. For a full company, or battery of six guns, one Captain, one First Lieutenant, one Second Lieutenant, eight sergeants, twelve corporals, two musicians, two artificers, one wagoner, and not less than one hundred and fourteen nor more than one hundred and twenty-two privates. And two

or more batteries may be consolidated by order of the Commander-in-Chief, at his discretion, so as to form a four gun or a six gun battery, with the strength and upon the basis herein prescribed.

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SEC. III. 1. If any company now organized, or that may be organized under this act, shall become reduced below the minimum standard by death, discharges, or otherwise, and the Governor shall deem it necessary, it shall be lawful for the Commander-in-Chief to order a sufficient number of persons to be drafted to fill said company, from the Enrolled Militia of such district where such company was organized; first, from those of the Enrolled Militia who have not commuted their services, as provided for in this act; second, from those who have so commuted their services; and in such cases the commutation money paid by such drafted persons shall be returned to them: *Provided*, Payment was made within three months preceding said call. And the persons so drafted shall thereupon be enrolled as members of said company, and shall be subject to the duties herein mentioned; and in case of non-performance of such duties, shall be subject to the penalties prescribed in this act.

Governor
may fill up
companies by
draft.

2. Whenever the Governor shall deem it necessary and proper to draft any number from either the Active, Enrolled, or Reserved Militia, such draft shall be determined by lot, to be drawn by the circuit court clerk of the county in which the district is situated, from which such draft is ordered, in the presence of the county court judge, county court clerk, and sheriff of said county: *Provided, however*, Where more than one county is comprised in any district, the above named officers from each shall superintend the draft, and shall have power to decide who shall draw the names; and they shall credit each voting district in every county in the State with the full number of men it has furnished for military service to the United States or this State, so that the districts may thereby be equalized.

Mode of drafting.

Who to superintend draft

3. Any person so drafted may, within five days after receiving notice of the same, present to the county judge his certificate of exemption, or other proof of his non-liability to military duty, which shall be duly verified; and if such county judge shall decide that such person is exempt, or not liable, he shall be discharged, and another person shall be drafted in his stead, in accordance with the provisions of this act.

Drafted person. how exempted.

4. Any person so drafted in accordance with the above provisions, may offer a substitute at the time of the rendezvous of the drafted military force and militia, and such substitute, if he be an able-bodied man, of the age of twenty-one years and upwards, and shall consent voluntarily to subject himself to all the duties, fines, forfeitures, and punishments to which his principal would have been subject, had he personally served, shall be accepted by the commandant of the company to which his principal may belong.

May furnish substitute.

SEC. IV. To every regiment, battalion, and company organized under the provisions of this act, there shall be the same commissioned and non-commissioned officers as pro-

Officers of
regiments, bat-
talions, & com-
panies.

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Rank of officers, how determined.

vided for in the revised army regulations of the United States army. Commissioned officers shall take rank according to the date of their commissions. When two of the same grade bear an even date, the rank shall be determined by lot, drawn before the Commander of the division, brigade, regiment, battalion, company, or detachment, or President of a court-martial, as the case may be. The day of the appointment or election of an officer shall be expressed in his commission, and considered as the date thereof. When he is transferred, in the same grade, the date of the original appointment shall be expressed and considered the date of his commission.

Officers—Election and Appointment of.

Officers—election and appointment of staff.

SEC. V. The staff of the Commander-in-Chief shall be appointed by the Governor, and the commission shall expire with the term for which the Governor shall have been elected, and their compensation shall be as is fixed by law.

Field officers, how elected.

SEC. VI. Field officers of regiments and battalions shall be elected by ballot by the officers, non-commissioned officers, musicians, and privates of the respective regiments or battalions.

Officers of the line, and non-commissioned officers, how elected.

SEC. VII. Commissioned officers of the line shall be elected by ballot of the officers, non-commissioned officers, musicians, and privates of their respective companies.

Other officers, how appointed.

SEC. VIII. Adjutants, quartermasters, chaplains, surgeons, surgeons' mates, sergeant-majors, quartermaster-sergeants, commissary-sergeants, drum-majors, and fife-majors, shall be appointed by the respective commanding officers of regiments; sergeant-majors and quartermaster-sergeants of battalions shall be appointed by the commanding officers thereof. Non-commissioned officers of companies shall be appointed by the respective Captains of companies, who shall forthwith return the same in writing to the commanding officer of the regiment or battalion.

Major and Brig. General.

SEC. IX. A Brigadier General shall be elected for each brigade, who shall appoint his staff; and a Major General shall be elected for each division, who shall appoint his staff. If there is no officer of the Legion conveniently located to preside at any election, the Inspector General may select a presiding officer. Unless otherwise ordered, all elections shall be held at the armory or other place of meeting of each company or command. Field, staff, and general officers may vote likewise at their headquarters, the chief staff officer at each headquarters certifying the vote.

Elections.

Where held.

Enlistment in companies.

SEC. X. After the organization of a company, recruits shall sign their names in a book of enlistment, kept by the company for that purpose, which signing shall be a legal enlistment.

Elections, by whom ordered.

SEC. XI. The Inspector General shall order elections for field and general officers. The commanding officers of regiments or battalions shall order elections to fill vacancies of line officers in their respective commands.

Vacancies.

SEC. XII. Whenever the office of any field officer in any organized regiment or battalion is vacant, the Commander-in-

Chief shall issue an order to fill the vacancy, and shall designate a field officer, or some other proper officer, to preside at such election.

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Field officer.

SEC. XIII. Whenever the office of a commissioned officer in any organized company or troop is vacant, the commanding officer of the regiment or battalion to which such company or troop belongs, shall cause a written or printed notice of the time and place of an election to be served on the members of such company or troop, at least three days before such election shall take place, or shall cause at least one week's notice thereof to be published in some paper of general circulation in the district.

Company officer.

SEC. XIV. If the officer causing the notice to be given shall not attend the meeting for the election, then the officer of the highest rank present shall preside at such meeting. The officer issuing such notices shall cause the proper evidence of such notice to be delivered to the presiding officer. The company roll, carefully revised, shall be delivered with such evidence. If legal notice of such election has not been given, the presiding officer shall adjourn the meeting, and cause such notice to be given. The presence of a person entitled to vote at any election shall be deemed a waiver of his right to take exception to the want of legal notice.

Who to preside at election of company officer.

SEC. XV. The presiding officer at any election for commissioned officers shall keep the polls open at least one hour after the time appointed for holding the same. He shall then publicly canvass the votes received from the electors for the officers to be elected, and shall forthwith declare the result, and give notice to every person elected of his election. If such person shall not, within ten days after being notified of his election, signify to such officer his acceptance, he shall be considered as declining the office to which he shall have been elected, and an election shall be held for a new choice.

Poll at such election, how kept and conducted.

SEC. XVI. Immediately after the person elected shall have signified his acceptance, the officer who shall have presided at the election shall, in case of the election of a field officer, forward the same to the Inspector General with a copy of the poll book, and in all other cases shall certify to the commanding officer of the battalion or regiment the names of the persons duly elected, and said commanding officer shall communicate the same to the Inspector General.

Poll book to be returned.

SEC. XVII. Every person thinking himself aggrieved by the proceedings at the election for a commissioned officer, may appeal, if the election be for a field officer, to the Commander-in-Chief, and, in other cases, to the commanding officer of the regiment or battalion to which such person belongs.

Appeals from election.

SEC. XVIII. The officer appealed to shall have power to administer oaths, and shall hear and determine the appeal; and if, in his opinion, the proceedings at such election were illegal, he shall declare the election void, and shall order an election to be held, without delay, for a new choice.

Appeals, how and by whom decided.

SEC. XIX. Any person concerned may appeal from the decision of the commanding officer of the regiment or battalion to the Commander-in-Chief, who shall hear and determine

Who may appeal.

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such appeal, and, in case it shall be necessary, order a new election.

Commissions
to issue.

SEC. XX. The Commander-in-Chief shall issue commissions to all officers duly elected or appointed in pursuance of the provisions of this act; and every officer duly commissioned shall, within ten days after his commission shall have been tendered to him, or within ten days after he shall have been duly notified that the same is held in readiness for him, by any superior officer, take and subscribe the oath prescribed in the Constitution of the State, and an oath of office, and also the following oath, to-wit:

COUNTY of

} ss.:

Oath of office.

I, , of , in the county of , and State of Kentucky, do solemnly that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto; that I will bear true faith and allegiance to the Government of the United States, and defend it against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion, so help me God.

Sworn to and subscribed before me, this day of , 18 .

And in case of refusal or neglect to take such oath within the time mentioned, he shall be deemed to have resigned said office, and a new election shall be forthwith ordered to fill his place.

Certificate of
oath to be filed.

SEC. XXI. A certificate shall be indorsed by the officer administering the same on the commission, and a copy thereof shall be filed in the Adjutant General's office.

SEC. XXII. A majority of all the votes cast at an election shall be necessary for a choice.

Resignation
to whom made,
and when to
take effect.

SEC. XXIII. No officer shall be considered out of the service on the tender of his resignation until it shall be accepted by the Commander-in-Chief. The commanding officers of regiments shall receive the resignations of such commissioned officers as may resign in their respective regiments, and shall transmit the same to the Adjutant General, with his indorsement of approval, or disapproval, and statement of facts.

Election to
fill vacancy.

SEC. XXIV. On accepting the resignation of any officer, the Commander-in-Chief shall cause the necessary notice and order to be given for an election to fill the vacancy so created.

Office vacated
by removal.

SEC. XXV. Every officer who shall move out of the district where his command is organized, and every officer who shall be absent from his command six months without leave of his commanding officer, shall be considered as having vacated his

office, and a new election shall be held, without delay, to fill the vacancy so created.

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SEC. XXVI. The several companies of cavalry and infantry, and the batteries of artillery, shall be numbered separately in each arm, by the Adjutant General. A record of such numbering shall be made and kept in the office of the Adjutant General. And where they exist in sufficient numbers, and are conveniently located for the purpose, the cavalry shall be organized, by the Inspector General, into squadrons, battalions, or regiments, and the infantry into battalions or regiments, and officered as provided by law, subject to the order of the Commander-in-Chief.

Companies to be numbered & record kept.

SEC. XXVII. Each volunteer company and battery organized under the provisions of this act, may adopt a constitution and by-laws, as a majority of all the company or battery may approve, which, when approved by the officer commanding, shall be binding upon all the members of said company or battery; and when any fines are assessed by reason of infraction of such constitution or by-laws, such company or battalion may have process before any court of competent jurisdiction in the State, for the use of such company or battery, and prosecute to execution all such fines and penalties provided for by such constitution or by-laws: *Provided*, That such constitution or by-laws shall not be inconsistent with this act, the Constitution of the State, or of the United States: *Provided*, also, That in no case shall the State pay any costs of such prosecution, or any prosecution under this act.

Companies may adopt by-laws, assess and collect fines.

SEC. XXVIII. In addition to the parades and musters provided for by this act, every company shall drill at least once in two months at their armories or usual places of assembly, except as the Inspector General may otherwise order, at such times as the officer commanding may direct; and for non-attendance at such drills the captain shall assess a fine, in each case, of a sum not less than fifty cents nor more than three dollars, and see to the collection thereof, and when collected, the same shall constitute a company fund, to be used as the company may direct.

Company drills.

Fines for non-attendance.

SEC. XXIX. Every commandant of every company, battery, squadron, regiment, and battalion, shall make a return of all commissioned and non-commissioned officers, musicians, and privates under his command, and all camp and garrison equipage, public arms and accoutrements, and other ordnance stores belonging thereto, through the respective regimental commanders, on or before the first day of September in every year, and such return shall be preserved by the Adjutant General, in a book of records in his office.

Company commanders to return roll and inventory of arms, &c.—when.

SEC. XXX. Every commissioned and non-commissioned officer and soldier of any company or battery, shall be held to duty therein for five years, unless he shall sooner arrive at the age of forty-five years, or some absolute disability shall occur after forming such company or battery, or he shall be discharged by the proper officer; and every person as aforesaid, after the expiration of said term, shall be entitled to a certificate of such service, and said certificate shall be given

Term of service.

Discharges.

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to all such persons by the Adjutant General; and the holders of said certificates shall be exempt from military duty in time of peace.

Annual pa-
rades for in-
spection, dis-
cipline, and
review—when.

SEC. XXXI. The Legion of this State shall parade annually by regiments, battalions, squadrons, battery, or company, as they may be organized, at such time and places, between the first day of May and the first day of July in every year, as the commanding officer may direct, for the purpose of discipline, inspection, and review.

Other drills
and parades—
when.

SEC. XXXII. In addition to the annual inspection herein specified, there shall be four drills or parades of the Legion before the first day of November in each year, not less than two of which, in the infantry and cavalry, according to the arm and the strength of the organization, shall be by regiment or battalion, and at such times and places as the Commander-in-Chief, commandant of regiment or battalion, shall direct: *Provided*, That any of said force called into active service, may, by the direction of the Governor, be, at his discretion, credited with such service in lieu of said drills or parades: *Provided*, That target practice shall form part of the exercise of all infantry companies.

Target prac-
tice.

Uniform and
roll calls at
musters.

SEC. XXXIII. That at all musters, whether battery, squadron, company, regimental, or battalion, the officers and privates shall appear on their respective muster grounds on the day appointed or fixed by law, at 10 o'clock A. M., fully uniformed, and the rolls of the companies shall be called as soon thereafter as may be, and again immediately before dismissal, and the absence of all persons belonging to each company noted.

Penalty for
not appearing
at musters.

SEC. XXXIV. Every non-commissioned officer, musician, or private, who shall refuse or neglect to appear on any day of any battery or company muster, required by this act, shall, for every such refusal or neglect, pay the sum of two dollars; and every non-commissioned officer, for neglect of duty, or disorderly or unofficer-like conduct, may be reduced to the ranks by the commandant of the regiment or battalion. Every non-commissioned officer, musician, or private, who shall unlawfully discharge any fire-arms within two miles of any parade on the day thereof, shall be sentenced to pay a fine of one dollar. In addition to the penalties imposed by any of the provisions of this act, every commissioned or non-commissioned officer, musician, or private of a company or troop, or any other person, who shall appear at any parade or encampment wearing any personal disguise or other unusual or ludicrous article of dress, or any arms, weapons, or other implements, not required by law, and calculated to excite ridicule, or to interrupt the orderly and peaceable discharge of duty by those under arms, shall be liable to a fine of not more than twenty-five nor less than five dollars, to be imposed by the proper court-martial.

Other offenses
and penalties.

Delinquent
lists and assess-
ment of fines—
how made and
returned.

SEC. XXXV. It shall be the duty of the commandant of each battery and company to call a meeting of the commissioned officers thereof within ten days after each day's company-muster required by this act, to make out a list of delin-

1865.

quents, and assess fines thereon, particularly noting therein the fines assessed, a copy of which list, certified by such commandant, shall be returned to the next court of inquiry of the regiment or battalion to which said company belongs: *Provided*, That if said battery or company be unattached, the officers thereof shall be a court of inquiry, having the duties, powers, and jurisdictions provided for in section thirty-nine.

SEC. XXXVI. Every commissioned officer who shall refuse to appear fully armed and equipped on any day of muster drill, or encampment required by this act, shall, provided he has been armed and equipped by the State, unless he has had them taken from him without his fault, for every such refusal or neglect, pay the following sums, viz: field officers, ten dollars; Captains, seven dollars; Lieutenants, and staff officers ranking as Lieutenants, five dollars; and every non-commissioned officer, musician, and private, who shall refuse and neglect to appear uniformed and equipped, as required by this act, at each and every day of regimental or battalion muster or encampment, shall be fined for every such refusal or neglect the sum of three dollars; and all fines incurred under the provisions of this section shall be by the proper commandant reported to the next regimental court of inquiry for the assessment of fines.

Penalties for
commissioned
officers failing
to muster.

SEC. XXXVII. No muster or parade of the militia of this State shall be held on any day during which a general or special election shall be held, nor within five days previous to such elections, except in cases of riot, invasion, or insurrection, or imminent danger thereof, or funerals; and if any officer shall order any such muster or parade, he shall forfeit and pay the sum of one hundred dollars, except when called into active service by the Governor.

No muster or
parade on elec-
tion days.

Penalty there-
for.

SEC. XXXVIII. That the commandants of companies in each regiment, squadron, or battalion, shall constitute a regimental court of inquiry, over which the Major or the commandant present ranking as senior, shall preside, who shall meet at such times and places as the commanding officer of the regiment may direct; notices of which meeting shall be given at least two weeks previous to the convening of the court. At the court, when organized, all members of companies absent from any company or battalion drill, muster, or encampment prescribed by this act, occurring since the last meeting of the court, shall appear and present their excuses for such absences, and the court shall determine the validity of such excuses, and shall have jurisdiction to assess all fines under this act, except as otherwise hereinafter provided for; and every person who shall fail to appear as aforesaid, and demand a trial by jury, as hereinafter provided for, shall be deemed to have waived any other or further trial of his delinquencies. At said regimental, squadron, or battalion court of inquiry, the Adjutant shall attend and keep a record of the proceedings of said court, and shall make out a list of the members fined at said court in each company, with the amount of the fine assessed on each annexed to their names, which list shall be signed by the officer presiding at said

Courts of in-
quiry.

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Trial by jury
—how.Court of Ap-
peals, who com-
pose it.

Pay of courts.

Parties con-
victed to pay
fines to the
President of
court.Upon failure
execution to is-
sue.Extent of
fines :
Colonel.Lieut. Colonel
and Major.

court, and attested by the Adjutant, and by him preserved: *Provided*, That if, at said court of inquiry, any person shall appear, and before said court shall have acted upon his case, shall file a request in writing for a trial by jury, the case shall be certified to a justice of the peace for the proper county, who shall thereupon call a jury and proceed to trial, judgment, and execution, as in other cases at law. Any person feeling aggrieved by the decision of said regimental court of inquiry, may have a new trial by order of the commandant of the proper regiment or battalion; which commander shall thereupon convene a court of appeals, to be composed of the field officers, adjutant, and senior Captain of the regiment or battalion, a majority of whom shall be a quorum, before which such new trial shall be had. The court of appeals shall meet at such time and at such place, within the regimental bounds, as the commandant shall order.

SEC. XXXIX. That the officers constituting said regimental, squadron, or battalion court of inquiry and appeals, shall each be entitled to receive the sum of two dollars for each day they may be in attendance on said court, not exceeding three days in each of the courts of inquiry and appeals in one year, to be paid out of the military fund on the certificate of the President of the court, approved by the Inspector General.

SEC. XL. In all cases where fines or penalties are incurred or assessed in accordance with the provisions of this act, by a court of inquiry or a court-martial, it shall be the duty of the president of said court of inquiry or court-martial, forthwith to notify in writing the parties against whom any fines may be assessed, of the amount and nature of said fine, and to require him immediately to pay the same to the said president; and if any such delinquent shall neglect or refuse to pay the same within ten days after receiving such notice, then a list of fines so delinquent, certified by the president of said court, and attested by the adjutant, shall be placed in the hands of a justice of the peace of the county within which the delinquent resides, who shall thereupon issue execution without stay, directed to any constable of said county, for the collection of the same as upon judgments at law. The constable, upon receiving said writ, shall promptly proceed to collect said fines with the costs of execution, and pay over the amount to the justice, who shall, after deducting the costs, pay the residue to the commandant of the regiment, battalion, or company, on whose behalf said fines were assessed, who shall pay the money thus paid him into the Treasury, taking duplicate receipts therefor, one of which he shall file with the Inspector General.

SEC. XLI. That the following fines shall be assessed for delinquency under this act, to-wit: On any Colonel of a regiment or commandant thereof, and on the commandants of squadrons or battalions, for neglect of any order of a superior officer, or of any of the duties enjoined by law, not less than ten nor more than seventy-five dollars; on a Lieut. Colonel, or Major, who is not commandant of a regiment, squadron, or battalion,

and any staff officer ranking as such, for neglect of any order of his superior officer, or any of the duties enjoined upon him by law, not less than eight nor more than fifty dollars; on the Captain of a company, and on any staff officer ranking as such, for any neglect of any order of his superior officer, or any of the duties enjoined on him by law, not less than nine nor more than forty dollars; on a Lieutenant, or staff officer ranking as Lieutenant, for any neglect of any order of his superior officer, or of any of the duties enjoined on him by law, not less than five, nor more than thirty dollars; on any non-commissioned officer, musician, and private, for neglect of any order of a superior officer, or any duty enjoined on him by law, not less than two, nor more than three dollars: *Provided*, That all fines incurred for non-attendance at any muster provided for in this act, are not intended to be included in the foregoing.

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Captain.

Lieutenant.

Non-commissioned officer.

SEC. XLII. That on charges and specifications, made in writing, against an officer to a superior officer, such superior officer shall, if he thinks the complaint sufficient, cause the officer against whom the complaint is made to be arrested; and when an officer is arrested, the officer whose duty it is to arrest, shall notify the officer arrested in writing that he is suspended from command until acquitted from such complaint, stating the ground of arrest; the complaint may be dismissed by the Governor, or he may order a court-martial, at his discretion; the proceedings in the trial shall be had, as near as may be, as provided in the rules, regulations, articles of war, and practice for the government of the armies of the United States.

Officer may be arrested and tried.

Regulations U. S. A. to govern.

SEC. XLIII. The Governor, on ordering a court-martial, shall detail a Judge Advocate and Provost Marshal for the trial of said cause, and the members of said court and Judge Advocate shall be entitled to receive two dollars each for each day's attendance at said trial and in traveling to and from court; and the Provost Marshal shall receive the same compensation as is allowed to sheriffs for similar service; and witnesses shall receive fifty cents for each day's attendance, and five cents a mile for traveling to and from court; the same to be paid out of the Military Fund, on the order of the president of the court, approved by the Inspector General and the Governor. The president of the court may issue subpoenas to compel the attendance of witnesses, and enforce their attendance, if necessary, by attachment.

Judge Advocate and Provost Marshal to be appointed for trials—their pay.

Witness fees, how paid.

SEC. XLIV. The commanding officer at any parade may cause those under his command to perform any field or camp duty he shall require; and he may also put under guard for the day or time of continuing such parade, any officer, musician, or private, who shall disobey the orders of his superior officer, or in any way interrupt the exercises of the day; also all other persons who shall, in any way or manner, trespass on the parade ground, or interrupt or molest the orderly discharge of duty of those under arms; and also, he may prevent and prohibit the sale of all spirituous and intoxi-

Commander of parade may punish disobedience and disorder, & abate nuisances.

1865.

Parents and guardians liable for fines imposed on minors.

cating liquors, on or about the ground of such parade or encampment; and, on his discretion, all hucksters, auction sales, or gambling, may be abated as nuisances.

SEC. XLV. That for the fines assessed against minors, fathers shall be liable, jointly and severally, with their sons, and guardians with their wards, to the amount of funds of the wards in their hands, masters for their apprentices; and all property held in common by any society or association whose tenets or rules require a community of property, shall be liable and bound for any and all fines assessed by the provisions of this act against a member or members of such society or association.

Pay of officers and privates.

SEC. XLVI. All commissioned and non-commissioned officers, and each and every member of any company, shall receive the same pay and allowances as paid to officers and soldiers of like grades in the United States service, unless otherwise provided for by law, when serving under the order of the Governor, sheriff of their county, or the order of the mayor of the city, or village, or other municipal officer, judge, or justice of the peace, to suppress riots, or to enforce civil law, to be paid out of the Military Fund on the order of the officer calling them out, and approved by the Governor.

Fines a lien upon real estate.

SEC. XLVII. That for all commutation money, fines, and costs assessed against any person under the provisions of this act, or under the by-laws of any company or battery organized under this act, the real estate and personal property of such person, of every kind, without exception, shall be liable for the payment thereof, and all such moneys, fines, and costs, shall be a lien upon such real estate until paid.

Enrolled militia, when may be called into active service.

SEC. XLVIII. That the Enrolled Militia of this State, or any portion of them, shall be liable to be called into active service by order of the Governor, in case of invasion, or the danger thereof, or to prevent invasion, riot, or insurrection; and any person liable to perform military duty, neglecting or refusing to march as ordered by the proper commanding officer, shall be deemed and treated as a deserter. The militia, while in active service, shall be governed by the military laws of the State, and the rules and regulations of war of the United States: *Provided*, That the Active Militia shall, in all cases of actual or threatened invasion, riot, or insurrection, be the first military force called for duty or ordered into the field.

Active militia first called.

When militia called—how organized.

SEC. XLIX. Whenever the militia, other than the Legion, are called into active service, they shall be divided into companies and regiments, and shall proceed to elect their officers under such rules and regulations as the Commander-in-Chief may prescribe; and when two or more regiments of the militia are called into active service, said regiments shall be organized by the Commander-in-Chief into brigades and divisions. All such commissions shall terminate with the cause that called said militia into active service.

Pay of militia.

SEC. L. When any of the militia of this State shall be called into active service by the Governor, in case of invasion, or to prevent invasion, riot, or insurrection, they shall receive the

same compensation as volunteers in the United States service are allowed, to be paid on the certificate of the Governor.

1865.

SEC. LI. The Commander-in-Chief, whenever in his opinion it becomes necessary, may organize a subsistence or commissary department, and for that purpose shall order the Quartermaster General to perform the duties of Commissary General, and may appoint such other assistant quartermasters, apportioned to the troops as quartermasters are apportioned by the United States army regulations, with such rank as is conferred on officers of the same station in the army of the United States.

Subsistence of militia.

SEC. LII. The Commander-in-Chief, when in his opinion it becomes necessary, may complete the organization of the medical department, as this department is organized by the regulations of the army of the United States.

Medical department.

SEC. LIII. That the uniform of all volunteer companies and batteries now organized, or hereafter to be organized, and officers to be hereafter commissioned, shall correspond and conform to the uniform prescribed for the United States army for the time being, except the coat of arms, which shall be that of the State of Kentucky.

SEC. LIV. Each company of the militia organized under the laws of this State shall be furnished with such arms and equipments as shall be determined by the Governor, under such rules and orders as he may prescribe, when called into active service.

Militia, how armed.

SEC. LV. Any person found guilty of selling, disposing of, hiding, secreting, detaining, or refusing to give up any of the arms, accoutrements, ordnance stores, camp or garrison equipage or munitions of war belonging to the State of Kentucky, or who shall in any way willfully injure any of the same, or any arsenal or armory now belonging to or rented by the State, or owned or rented by any company, battalion, or regiment organized under the laws of this State, shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, or shall be imprisoned in the county jail for the term of not more than three months, or both, at the discretion of the court.

Penalty for disposing, detaining, &c., of arms and other property.

SEC. LVI. It is hereby made the duty of the Governor to provide the proper camp and garrison equipage whenever any portion of the militia is called into active service; but in all cases where, by the use of fair grounds or suitable structures already erected, proper accommodations can be had, the same shall be procured by contract, if the expense shall be less than to provide and transport full camp and garrison equipage.

Camp and garrison equipage.

SEC. LVII. All assessments, fines, and commutations authorized by this act to be made, shall be assessed and collected in the name of the State of Kentucky, for the use of the Military Fund.

Fines, &c., collected in name of State.

SEC. LVIII. Whenever it becomes necessary, in order to sustain the supremacy of the law, that the troops should fire upon a mob, the civil officer calling out such troops (in the exercise of a sound discretion) shall give the order to fire to the superior officer present, whenever it can be done, who

Who shall direct firing upon mobs.

1865.

will at once proceed to carry out the order, and shall direct the firing to cease only when ordered to do so by the proper civil authority.

Firing blank
cartridges pro-
hibited — pen-
alty.

SEC. LIX. No officer, who has been called out to sustain the civil authorities, shall, under any pretense, or in compliance with any order, fire blank cartridges on a mob, under penalty of being cashiered by sentence of a court-martial.

Military Fund
—how disburs-
ed.

SEC. LX. The Military Fund accruing from payments into the Treasury of money collected in lieu of military service, and from other sources authorized in this act, shall be disbursed from time to time by the authority of the Governor, and is hereby appropriated for the following purposes only:

Expenses of
organization.

1. To supply the place of money paid in pursuance of the requirements of this act from the State Treasury on account of the expense attending the administration, organization, instruction, transportation, and subsistence of the Active Militia; but this will not include the salaries of the Adjutant General and of the Quartermaster General.

Purchasing
equipment, arms,
stores, &c.

2. In the purchase or manufacture of camp equipage, arms and military stores, and equipments of every kind necessary for the Active Militia, and for the general defense of the State; and also in the purchase or publication of books of tactics, treatises on military law and courts-martial, and regulations of the United States army.

Construction
of Arsenals.

3. In the construction of arsenals and other places of deposit for the public arms and military stores.

Bounties, &c.

4. To pay the bounties and other expenditures authorized by this act.

Distribution
of arms, &c.,
regulated by
Commander-
in-Chief.

SEC. LXI. The Commander-in-Chief shall prescribe such rules, orders, and regulations, relative to the distribution of arms, ammunition, and military stores, and in disciplining, equipping, and maintaining the militia, both during peace and when called into actual service, as he may deem proper.

Repealing
clause.

SEC. XLII. All laws now in force conflicting with this act are hereby repealed.

SEC. XLIII. This act to take effect and be in force from and after its passage.

Approved March 4, 1865.

CHAPTER 1456.

1865.

AN ACT to authorize the holding of a special term of the Adair Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Adair circuit court be, and he is hereby, authorized and directed to hold a special term of the Adair circuit court for the trial of all business within its jurisdiction, including equitable, criminal, and common law; the term to commence on the second Monday in June, 1865, and continue so long as the business of the Adair circuit court may require.

§ 2. This act to take effect from its passage.

Approved May 19, 1865.

CHAPTER 1462.

AN ACT to change the time of holding Courts of Claims and Levy for the county of Hopkins.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the courts of claims and levy for the county of Hopkins shall be held on the second Monday in June instead of the time now prescribed by law, and continue from day to day, or so long as the business of said court may require.

§ 2. This act shall take effect from its passage.

Approved May 22, 1865.

CHAPTER 1482.

AN ACT to fill the vacancy in the office of County Court Judge in Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, whereas, there is a vacancy in the office of county court judge in the county of Ohio, occasioned by the death of the late Judge Hill; it shall be the duty of the clerk of said court to notify the justice of the peace residing nearest the court-house of said county, if in the county, and if not, then the next justice in the county nearest the court-house, of said vacancy; and it shall be the duty of such to attend and hold both the county and quarterly courts in said county until his successor shall be elected and qualified; and his duties and his powers and his responsibilities shall be the same as other county court judges are now by law.

Nearest justice to hold court.

§ 2. That he have the same fees for his services as are now allowed by law to county court and quarterly court judges.

His fees.

§ 3. That this act is to take effect from its passage.

Approved May 25, 1865.

1865.

CHAPTER 1483.

AN ACT supplemental to an act providing for arrearages of pay due to the Battalion of Harlan County State Guards, approved February 28, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acts 1865, p.
68, this vol.

§ 1. That the act to which this is an amendment, be construed so as to direct the Governor to pay, through the proper department, to the officers and soldiers of the Harlan county battalion of State Guard, one and one-half month's pay, or the fractional part thereof, from January 13th, 1863, or from date of their enlistment, as the same may appear to be due said officers and soldiers upon certain memorandums or rolls, now on file in the office of the Adjutant General of Kentucky, marked (A) and (B.)

Payments on
power of attorney.

§ 2. That the officer of the department charged with the execution of this law by the Governor, be, and he is hereby, authorized to make the payments authorized in this act, upon receipts authorized by power of attorney, under seal of the county court of Harlan county, in cases where the person to whom the money is due is not present to sign the rolls.

§ 3. This act to take effect from its passage.

Approved May 25, 1865.

CHAPTER 1512.

AN ACT to amend "An act to authorize county surveyors to qualify commissioners," approved May 1st, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Acts 1853-4,
p. 64.

§ 1. That an act, entitled "An act to authorize county surveyors to qualify commissioners," approved May 1st, 1854, be so amended as to authorize the county surveyor, when appointed by any of the courts of this Commonwealth a commissioner, in conjunction with others, to open, alter, or close a public road, or open or close a private passway, to administer the oaths required by law to be administered to the other commissioners.

§ 2. This act shall take effect from its passage.

Approved May 26, 1865.

CHAPTER 1522.

AN ACT to amend the act, entitled "An act to establish the office of Public Administrator and Guardian," so far as it applies to the counties of Woodford and Washington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acts 1865, p. 15.
Not to apply
to Washington
and Woodford.

§ 1. That in case no one shall, before the first day of August next, accept the office of public administrator and guardian for Woodford and Washington counties, it shall be lawful, and

shall be the duty of the county courts of said counties, to order the estate of any deceased person into the hands of the sheriffs of said counties, where no one will apply for administration within the time allowed by law; and the sheriffs shall have the powers, and perform the duties, and be subject to the liabilities, as are imposed by sections 17 and 18 of article first, chapter thirty-seven, of the Revised Statutes. 1865.
1 R. S., p. 497.

§ 2. Whenever any one shall be qualified as public administrator and guardian for said counties, then this act shall cease and be of no further effect.

§ 3. This act shall be in force from its passage.

Approved May 26, 1865.

CHAPTER 1552.

AN ACT to amend an act, entitled "An act to amend Article 1, Chapter 58, of the Revised Statutes," approved March 10th, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend article 1st, chapter 58th, of the Revised Statutes," approved March 10th, 1856, be amended by striking out in the third and fourth lines, "Whether the same be held fiducially, individually, or by such school, seminary, or church, or otherwise." 2 R. S., 103.
Ibid, 105.

§ 2. That said act shall not be hereafter so construed as to exempt from taxation any lot or parcel of ground, in any city or town, other than church property, on which any private school is taught. Not to exempt private schools.

§ 3. That this act shall take effect from its passage.

Approved May 27, 1865.

CHAPTER 1553.

AN ACT for the benefit of banks organized in this Commonwealth under the provisions of an act of Congress in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That promissory notes made payable to any person or persons, and payable and negotiable at any bank organized in this Commonwealth, under the laws of the United States, and commonly known as "National Banks," or at any other bank or institution authorized to discount notes, and which shall be indorsed to and discounted by any of said National Banks, shall be, and they are hereby, put on the same footing as foreign bills of exchange; and remedy may be had, jointly or severally, against the drawers and indorsers with like effect, except as to damages. Notes, negotiated with national banks, put on the same footing as foreign bills of exchange.

Approved May 27, 1865.

1865.

CHAPTER 1557.

AN ACT to amend an act, entitled "An act to amend chapter 61, Revised Statutes," approved March 3, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

2 R. S., p. 117.

§ 1. That an act, entitled "An act to amend in part chapter 61, Revised Statutes," approved 10th March, 1856, and an amendment thereto, approved March 3, 1865, be so amended as to require the Public Printer to furnish each sheriff of this Commonwealth with a copy of the acts of the Legislature.

§ 2. This act to take effect from its passage.

Approved May 27, 1865.

CHAPTER 1558.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky State Agricultural Society, and to give encouragement to all arts and sciences connected therewith," approved March 10, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Acts 1855-6,
p. 93.

§ 1. That so much of third section of the recited act as requires said society to hold its annual meetings for the exhibition of stock, agricultural implements, manufactures, &c., and for the awarding premiums on each of the said districts in rotation, be, and the same is hereby, repealed.

§ 2. That the president and directors be, and they are hereby, authorized to hold their next annual meeting in either of said districts, they having heretofore held an equal number in each.

Approved May 27, 1865.

CHAPTER 1579.

AN ACT for the benefit of certain School Districts in the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Superintendent
to certify to
Auditor for
benefit of
certain dis-
tricts.

§ 1. That upon reports thereof duly made, and reaching the Superintendent of Public Instruction on or before the 10th day of June, 1865, that officer is hereby authorized and directed to give the usual certificate to the Auditor, and direct payment for the benefit of the several school districts hereinafter named: *Provided*, 1. That payment be made out of whatever, if any, surplus untransferred and unappropriated, remains to the credit of the counties respectively in which the said districts lie; 2. That in the event there shall not be sufficient surplus to the credit of any of the counties hereinafter named, to pay the full claim of each of the several districts reported

therefrom, a *pro rata* payment shall be made; 3. That payment shall not already have been made; 4. That the district No. 20, in Barren county, shall be reported as soon after the 10th day of June, 1865, as it may be possible for the trustees to make report of the school in said district having been duly taught: District eight, Caldwell county, 1864; district thirty, Caldwell county, 1864; district thirty-three, Caldwell county, 1864; district fifty-four, Caldwell county, 1864; district twenty, Barren county, 1864; district thirteen, Hardin county, 1864; district sixty-three, Hardin county, 1864; district eighty-seven, Hardin county, 1864; district twenty-four, Letcher county, 1864; district twelve, Kenton county, 1864; district eight, Powell county, 1864; district sixteen, Wayne county, 1864; district eighteen, Wayne county, 1864; district twenty-eight, Wayne county, 1864; district forty-one, Wayne county, 1864; district twenty-two, Logan county, 1864; district thirty-four, Todd county, 1863; district fourteen, McCracken county, 1864; district one, Lawrence county, 1864; district seven, Lawrence county, 1864; district twenty, Lawrence county, 1864; district seventy, Lawrence county, 1864; district thirty-five, Mercer county, 1864; district eleven, Crittenden county, 1864; district five, Hart county, 1864; district (fractional), thirty-three, Hart county, 1864; district twenty-three, Knox county, 1861; district forty-three, Knox county, 1861; district forty-six, Knox county, 1861.

1865.

§ 2. This act to take effect from its passage.

Approved May 31, 1865.

CHAPTER 1584.

AN ACT to amend Chapter 83, Article 4, Section 6, Revised Statutes, title "Revenue and Taxation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 83, article 4, section 3, Revised Statutes, 2 R. S., 246. title "Revenue and Taxation," be so amended that, from and after the passage of this act, wholesale dealers in playing cards, who shall sell in packages of not less than half a gross of packs, shall not be required to pay the tax now required by law.

§ 2. This act shall take effect from its passage.

Approved May 31, 1865.

1865.

CHAPTER 1594.

AN ACT to regulate the time of holding the Circuit Court in the Twelfth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Act 1865, p. 76, repealed.
Act 1859-60, p. 95, re-enacted.

§ 1. That an act, approved March 2d, 1865, entitled an act to amend an act, entitled "An act changing the times and terms of holding the circuit courts in the twelfth judicial district," approved March 1, 1860, be, and the same is hereby, repealed; and the said act approved March 1, 1860, is re-enacted and declared to be in full force.

§ 2. This act shall take effect from and after the third Monday in July next.

Approved May 31, 1865.

CHAPTER 1598.

AN ACT relating to the muster-out of troops in the State service.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acts 1863-4, p. 90.

Officers not to draw pay after troops are mustered out.

§ 1. That whenever any portion of the forces raised under the provisions of the act, entitled "An act empowering the Governor to raise a force for the defense of the State," approved January 26th, 1864, is mustered out of the service, all officers in command of the troops so mustered out shall be mustered out at the same time with the troops under their command; and in the event of this not being done, the officers aforesaid shall cease to draw pay from the date of the muster-out of the troops aforesaid.

§ 2. This act to take effect from its passage.

Approved May 31, 1865.

CHAPTER 1603.

AN ACT changing the time of holding the Pulaski Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the terms of the quarterly courts for Pulaski county be, and the same is hereby, changed from the second Mondays in March, June, September, and December, to the second Mondays in February, May, August, and November.

§ 2. This act to take effect from and after the next June term of said court.

Approved May 31, 1865.

CHAPTER 1620.

1865.

AN ACT in relation to conveyances by Commissioners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That where, by the judgment of any of the courts of this Commonwealth having jurisdiction thereof, a conveyance of real estate is ordered to be made by a commissioner or commissioners, and before the conveyance is perfected any of the parties die, it shall not be necessary to revive the action, but the conveyance, in pursuance of the judgment, shall be effectual to pass the title, notwithstanding the death of any of the parties.

No revivor
necessary
where parties
die after sale.

§ 2. That all conveyances heretofore made, in which the defect, supplied by the first section of this act, exists, be, and they are hereby, made valid and effectual in law, for all purposes, the same as they would have been had all the parties to the judgment been alive at the time of the conveyance.

To apply to
former sales.

§ 3. This act shall be in force from its passage.

Approved May 31, 1865.

CHAPTER 1621.

AN ACT to amend Chapter 63, of Revised Statutes, entitled "Limitation of Actions."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of chapter 63, of the Revised Statutes, entitled "Limitation of Actions and Suits," shall extend to, and embrace all cases, whether the right of action accrued before or after the Revised Statutes took effect.

2 R. S., 123.

§ 2. That section 1, of article 3, of said chapter 63, shall be so construed as to embrace actions or suits upon judgments or decrees of any of the courts of this State, and to prohibit the issuing of any execution on such judgments or decrees after the lapse of fifteen years from the date of the last execution thereon.

Ibid, 126.

§ 3. This act shall take effect twelve months from its passage.

Approved May 31, 1865.

1865.

CHAPTER 1625.

AN ACT to amend chapter 35 of Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 R. S., 465.
Auditor's
statement *prima facie* evi-
dence.

§ 1. That in all actions or proceedings instituted in the courts of this State, whether by the Commonwealth or by individuals, a certified statement by the Auditor of Public Accounts of the amount chargeable against any sheriff, clerk, or other public officer, on account of the revenue or other tax or public money, for any particular year, shall be received as *prima facie* evidence that such officer, clerk, or sheriff owes, or was bound to have accounted to the State for the amount of revenue tax, or other public money set forth on said statement.

Not to apply
to actions
against sheriffs,
&c.

§ 2. This act shall not be construed as applicable to proceedings instituted by the Commonwealth against the sheriffs and other officers under the 12th article of chapter 83 of the Revised Statutes, title "Revenue and Taxation," or as allowing any additional defenses to defendants in such proceedings.

§ 3. This act shall take effect from its passage, and shall apply to all actions already instituted, or which may hereafter be instituted.

Approved May 31, 1865.

CHAPTER 1630.

AN ACT in relation to the Harlan County Battalion of the State Guards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acts of 1865,
this vol., p. 68.

§ 1. That the Auditor is hereby authorized and directed to draw his warrant upon the Treasury for the amount due the Harlan County Battalion of State Guards, as indicated in an act approved February 28th, 1865, entitled "An act providing for arrearages of pay due to the Battalion of Harlan County State Guards," which may be paid out of the ordinary revenue, or out of any money in the Treasury accruing from payments of money collected in lieu of military service, and from other sources authorized by the act to organize and discipline the militia, approved March 4th, 1865. The Governor shall indicate to the Auditor out of which fund the money is to be paid.

§ 2. This act shall take effect from its passage.

Approved May 31, 1865.

CHAPTER 1631.

1865.

AN ACT authorizing the Governor to fill the vacancy in the office of County Judge of Letcher county.

WHEREAS, It is represented to the General Assembly that there are no civil officers in the county of Letcher, and that, in consequence thereof, the office of county judge in that county cannot be filled in the manner now prescribed by law; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Governor to fill the vacancy in the office of county judge in said county by appointment, and the person so appointed shall be commissioned by the Governor, and hold his office until the next August election, and until his successor, then elected, shall be duly commissioned and qualified.

Governor to appoint.

§ 2. This act shall take effect from its passage.

Approved May 31, 1865.

CHAPTER 1670.

AN ACT amendatory of the act, entitled "An act to empower the Governor to raise a force for the defense of the State," approved January 26th, 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to provide funds for paying troops raised for defense of the State," approved February 18th, 1864, be, and the same is hereby, so amended that it shall be lawful for the Governor to borrow, in the manner prescribed in said act, only so much money as will be necessary to pay off the present indebtedness of the State arising under said act, and such other sums as will be necessary to pay off the troops at present in the service under the provisions of the act, entitled "An act empowering the Governor to raise a force for the defense of the State," approved January 26th, 1864.

Acts 1863-4, p. 72.

§ 2. That so much of the act to which this is an amendment, as levies a tax of ten cents upon each one hundred dollars of taxable property in the Commonwealth, be, and the same is hereby, so altered and amended as to authorize the levying and collecting of five cents only upon each one hundred dollars' worth of taxable property in the Commonwealth.

Tax reduced.

§ 3. This act to take effect from its passage, and the Auditor of Public Accounts is required to forthwith inform the collectors of tax in the Commonwealth of the change hereby made.

Approved June 2, 1865.

1865.

CHAPTER 1687.

AN ACT to amend an act approved February 28th, 1865, entitled "An act requiring the recording of the sales of real estate."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acts 1865, this
volume, p. 70,
amended.

§ 1. That the first section of an act approved February 28th, 1865, entitled "An act requiring the recording of the reports of sales," be amended by striking therefrom the words "in the order-books of such court," and in lieu thereof be inserted "in a book of sales by the clerk of such court, to be kept by him for that purpose."

§ 2. That this act shall take effect in thirty days after its passage.

Approved June 3, 1865.

CHAPTER 1688.

AN ACT conferring additional jurisdiction on the Barren County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May levy tax
for a bridge.

§ 1. That the county court of Barren county, a majority of the justices of the peace of said county being present and concurring therein, shall have power to levy upon the said county a sum not exceeding one thousand dollars, to aid in building a bridge over Skegg's creek, on the Glasgow and Scottsville turnpike road: *Provided*, That said levy shall not be made until there shall be a subscription of six hundred dollars by solvent persons to aid in building said bridge, and only so much of the \$1,000 shall be expended as, with the \$600 aforesaid, will complete said bridge.

Also to repair
a bridge.

§ 2. That said county court shall have power to levy on said county a sum not exceeding five hundred and fifty dollars, for the purpose of repairing the bridge over Barren creek, on the Bardstown and Glasgow turnpike road.

§ 3. This act shall take effect from its passage.

Approved June 3, 1865.

CHAPTER 1689.

AN ACT to amend sections 432 and 434, chapter 4, title 9, of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Civil Code,
sections 432 and
434, amended.

§ 1. That sections 432 and 434, of chapter 4, title 9, of the Civil Code of Practice, be so amended that the provisions thereof shall apply to the successor of any personal representative, public administrator, or creditor, into whose custody an estate may be committed.

§ 2. That the provisions of said sections shall also apply to the personal representatives and their successors, of any non-resident decedent: *Provided*, That before issuing the execution therein provided for, the applicant shall file an authenticated copy of the order appointing him, and execute the bond required by the act approved 18th February, 1854, entitled "An act to permit the personal representatives of non-resident decedents to sue in the State."

1865.
1 R. S., 513

§ 3. This act shall be in force from its passage.

Approved June 3, 1865.

CHAPTER 1690.

AN ACT to amend the 6th chapter of the Criminal Code of Practice, title "Trials," article 5, section 227.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That during the trial of an indictment for felony it shall not be necessary, when the offense is bailable, to commit the defendant to the custody of the proper officer. On the contrary, where proper bail has been or may be given, the defendant may be permitted to remain at large on the responsibility of the bail until the termination of the trial: *Provided*, That such bail shall consent of record to the accused going at large, and that he shall be put into the custody of the proper officer of the court when the time is concluded, and the jury retire to make their verdict.

Criminal Code.
section 227,
amended.

§ 2. That this act shall take effect from its passage.

Approved June 3, 1865.

CHAPTER 1692.

AN ACT empowering the county courts of the counties when court-houses, jails, or clerk's offices have been burned, to levy an ad valorem tax to rebuild the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all the counties of this State when the court-house, jail-house, or clerk's offices thereof have been destroyed, and have not been rebuilt, it shall be lawful for the county courts of said counties, or either of them, to levy on the property of said counties listed for taxation for revenue purposes, an ad valorem tax of not exceeding fifteen cents to each one hundred dollars of property so listed, and to provide for the collection of the same; and the proceeds of such levy, when collected, shall be applied exclusively to rebuilding the court-houses, jail-houses, or clerk's offices in said counties, and to no other purpose whatever: *Provided*, That no such tax shall be levied unless a majority of the justices of the peace of said county shall be present and concur therein.

Certain county
courts may
levy tax to re-
build court-
houses, &c., de-
stroyed.

1865.

Sheriff to collect tax.

§ 2. That the sheriff of such counties as may levy such tax shall collect the same; but before doing so, he shall execute covenant, with good sureties, to the Commonwealth, for the faithful discharge of his duties in collecting and accounting for said tax, and paying over the same to such person or persons as the county court may order, upon which bond suit may be brought in the name of the Commonwealth for the use of the said county court. The sheriff shall receive for collecting said tax the same compensation as allowed by law for collecting the revenue.

When to be paid over.

§ 3. The sheriff shall pay over said tax on or before the 15th day of December, in each year, to such person or persons as the county court may order.

Treasurer or Commissioners to be appointed to receive money.

§ 4. The said county courts may appoint a county treasurer, or one or more commissioners (not exceeding three in number), to receive said money from the sheriff, and to keep and take care of the same, and to pay the same out to such persons as the court may order, or the court may permit the money to remain in the hands of the sheriff until it shall be needed for the purpose of building the court-houses: *Provided*, That it shall be the duty of the court to require bond, with good surety, from any person or persons who may be appointed treasurer or commissioner, as herein directed: *And provided further*, That when any one is appointed treasurer or commissioner, a majority of the justices of the peace shall be present, and concur in such appointment and the approval of the bond.

Bond.

§ 5. This act shall take effect from its passage; but not more than three levies shall be made under this act in any one county, and such levies shall be in consecutive years.

Approved June 3, 1865.

CHAPTER 1693.

AN ACT appropriating money to the Commissioners of the Kentucky Institution for the Education and Training of Feeble-minded Children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation for fencing and repairs.

§ 1. That the sum of four hundred and seventy-five dollars be, and is hereby, appropriated, from any money in the Treasury not otherwise appropriated, for the purpose of defraying the expenses of repairs to the building and fencing of Kentucky Institution for the Education and Training of Feeble-minded Children, and that the Auditor of Public Accounts is hereby directed to draw his warrant for that amount in favor of the trustees of said Institution.

§ 2. That this act shall take effect from its passage.

Approved June 3, 1865.

CHAPTER 1697.

1865.

AN ACT to amend an act, entitled "An act to exempt certain property from taxation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the property exempted from taxation named in the act, entitled "An act to exempt certain property from taxation, passed 22d day of February, 1864," be relieved and released from any tax which had accrued thereon before the passage of said act.

Acts 1863-4, p. 118.

§ 2. This act shall be in force from its passage.

Approved June 3, 1865.

CHAPTER 1698.

AN ACT to relieve the Sheriffs of this Commonwealth from the collection of militia fines for the years 1863 and 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sheriffs of this Commonwealth be, and are hereby, relieved from the further collection of all uncollected militia fines due under the provisions of the laws of this Commonwealth for the years 1863 and 1864.

Approved June 3, 1865.

CHAPTER 1700.

AN ACT to change the time of holding the Anderson and Mercer Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act passed at the last session of the Legislature, creating the June term of the Mercer circuit court, be, and the same is hereby, repealed.

Ses. 1, chap. 1299, p. 81, this vol., repealed.

§ 2. *Be it further enacted,* That the spring term of said Mercer circuit court hereafter shall commence on the third Monday in May, and continue eighteen judicial days, and the fall term of said court shall commence on the third Monday in November, and continue eighteen judicial days.

Mercer spring term extended.

§ 3. *Be it further enacted,* That the spring and fall terms of the Anderson circuit court shall commence on the first Monday in May and November, and continue each for twelve judicial days.

Anderson.

1865.

Process to Mercer June term.

§ 4. *Be it further enacted*, That all process issued returnable to June term, and proceedings ordered to be had at the June term of the Mercer circuit, shall be valid, and be carried on at the next November term, as though ordered to be done at said November term.

§ 5. This act shall take effect from its passage.

Approved June 3, 1865.

CHAPTER 1725.

AN ACT to change the time of holding the Quarterly Courts for Muhlenburg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the quarterly courts for Muhlenburg county hereafter be held on the first Monday in the months of March, June, September, and December.

Approved June 3, 1865.

CHAPTER 1735.

AN ACT regulating assessments in certain counties for revenue purposes, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Taxes in counties where no assessment—how collected.

§ 1. That the Auditor of Public Accounts, in settling the accounts of revenue in all counties where no assessments have been made since the year 1860, be directed to make up his statements and settlements of revenue from the assessments and books returned for the year 1865; and the sheriffs and collectors of revenue for 1865 shall collect all back taxes and account for and pay the same into the public Treasury at the same time the revenue of 1865 is due and payable: *Provided, however*, That the sheriffs of 1865 shall execute bond, with good security, to be approved by the county court, conditioned for the faithful collection and payment thereof.

§ 2. The same rules shall apply and govern the collection of the county levy in said counties.

§ 3. This act to take effect from the date of its passage.

Approved June 3, 1865.

CHAPTER 1740.

AN ACT for the benefit of the Assessors of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Assessors appointed since January 1, 1865, when to report.

§ 1. That it shall be lawful for the assessors of tax in any of the counties, who may have been appointed by the county court of said counties since the first day of January, 1865, or who may hereafter be appointed, or elected, and qualified ac-

according to the law, to make their assessments as now required by law : *Provided*, That said assessors may make return of their tax books to the county court at any term of said court that may be held on or before the first Monday in November, 1865.

1865.

§ 2. *And be it further enacted*, That said tax books shall be made out and delivered to the several collectors of tax immediately, who shall proceed to collect the same, and pay into the Treasury by the first day of March, 1866. Tax books.

§ 3. This act shall take effect from its passage.

Approved June 3, 1865.

CHAPTER 1741.

AN ACT appropriating money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the following sums be paid to the several persons named, upon the warrant of the Auditor, out of any money in the Treasury not otherwise appropriated:

To the Speakers of the Senate and House of Representatives, each eight dollars per day during the present adjourned session.

To the principal Clerks of the Senate and House of Representatives, each ten dollars per day during the present adjourned session, and the same each for six days after the adjournment, for their services in preparing the acts for publication, and arranging the papers of their respective Houses.

To the Assistant Clerks of each House ten dollars per day, each, during the present adjourned session.

To the Sergeant-at-Arms of the Senate and House of Representatives, each six dollars per day during the present adjourned session,

To the Door-keeper of the Senate and House of Representatives, each six dollars per day during the present adjourned session.

To John L. Smedley, Sergeant-at-Arms, for the service of two negro men in waiting upon the House of Representatives during the present adjourned session, two dollars per day each.

To John W. Pruett, Sergeant-at-Arms to the Senate, for the services of one negro man in waiting upon the Senate during the present adjourned session, two dollars per day.

To the Pages of the Senate and House of Representatives, each two dollars per day during the present adjourned session.

To A. G. Hodges, for the Commonwealth during the present adjourned session, forty-five dollars.

To Prentice, Henderson & Osborne, for Daily Journal during the present adjourned session, seven dollars per day.

To Harney, Hughes & Co., for Daily Democrat during the present adjourned session, seven dollars per day.

1865.

To Prentice, Henderson & Osborne, and Harney, Hughes & Co., each thirty-two dollars for advertising notice to Judge J. F. Bullitt.

To Gray & Todd, per account rendered, three dollars and forty-five cents.

To Nancy Morton, for services, two dollars.

To Gray & Saffell, per account rendered, twenty-four dollars and seventy-five cents.

To J. M. Mills, per account rendered, three dollars.

To George T. Wood, expenses while acting as chairman of the last committee appointed to prepare for the investigation of Judge Bullitt's conduct, one hundred and five dollars and ninety-five cents; to R. J. Browne, forty-four dollars; W. R. Thompson, twenty dollars; S. E. DeHaven, fourteen dollars; A. Allen, eight dollars, expenses on the same committee.

To M. E. Huston, Jonathan Davis, A. H. McKay, and A. A. Terrill, each seventy-three dollars; T. J. Barker, fifty dollars; W. J. Heady, twenty-five dollars; Thos. L. Barrett and Stephen E. Jones, each twenty-two dollars; Thos. G. Bosley, twelve dollars; W. F. Bullock and John B. Huston, each ten dollars; to F. G. Stidger, ninety-five dollars; C. M. Mathews, fourteen dollars. These several sums are to the said persons as witnesses summoned in the case of Judge Bullitt.

To W. A. Ronald, sheriff of Jefferson county, and A. C. Kincheloe, sheriff of Spencer county, each one dollar and fifty cents; to W. B. Jones, T. W. Samuels, W. W. Dowden, Lloyd Friddle, each twenty-five cents. These sums are for summoning witnesses in said case.

To Telegraph Company, J. H. Graham, Agent, fifteen dollars and sixty cents, per account rendered.

To Calvert, Civill & Co., for the Daily Union Press, sixty dollars.

To D. C. Barrett, for making the index to the acts passed at the present adjourned session, in addition to the sums appropriated at the last session, fifty dollars

To S. C. Sayres, for taking down the evidence in the Bullitt case, twenty-five dollars.

To J. B. Lewis, Clerk of the Joint Committee on Enrollments, four dollars per day during the present adjourned session.

The Auditor is authorized to draw his warrant upon the Treasurer in favor of the principal Clerks of the Senate and House of Representatives for the amount of extra clerk hire in enrolling bills, to be estimated by them.

To Alex. Robertson, to be distributed amongst the ministers who have attended to the two Houses for prayer during this session, fifty dollars.

To Michael Burns, for attending to the back capitol, one dollar per day during the present adjourned session.

§ 2. This act to take effect from its passage.

Approved June 3, 1865.

CHAPTER 1749.

1865.

AN ACT to amend an act, entitled "An act providing a general Mechanics' Lien Law for certain cities and counties," approved February 17th, 1858.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the first section of an act, entitled "An act providing a general mechanics' lien law for certain cities and counties," approved February 17th, 1858, be amended as follows: after the word "respectively" be added these words, "or for the excavation of cellars, cisterns, vaults, wells, or for walling the same, or for the improvement, in any manner, of lots or other real estate, or by filling up the same with earth or other materials, or for grading, paving, or in any manner improving the same with labor or materials of any sort, shall and may have a joint lien upon the property they may be employed so to improve, and the interest of the employer in the same, to the extent of the labor done, and materials furnished by them respectively."

2 Acts 1857-8, amended.

Lien for excavating cellars, vaults, &c.

§ 2. That in the 5th section, after the words "the owner of the building or other structure," be inserted, "or the real estate improved as aforesaid;" and in the 6th section, after the words "or repair," in the 5th line, be inserted, "or the improvement of any real estate as aforesaid or;" and in the same section, before the words "have a lien," be inserted the words, "or the improvement of any real estate as aforesaid;" and in the same section, after the words "or repaired," be inserted, "and the interest of the employer in the real estate so improved." The object of this amendment is to give, and hereby is given, to the persons performing labor or furnishing materials for the purposes mentioned herein, a lien therefor, precisely as mechanics, laborers, and others, have a lien under the act to which this is an amendment, and also the right to enforce the same under the provisions of said act.

5th and 6th sections amended, to embrace real estate improvements.

§ 3. This act shall be in force from its passage.

Approved June 3, 1865.

CHAPTER 1754.

AN ACT to change the time of holding the term of the Nelson and Anderson Circuit Courts at their summer term.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the summer term of the Nelson circuit court shall commence on the third Monday of June, and the summer term of the Anderson circuit court shall commence on the third Monday of July, and each continue during six juridical days, instead of the time as now fixed by law.

Nelson and Anderson summer terms.

§ 2. This act shall be in force from its passage.

Approved June 3, 1865.

1865.

CHAPTER 1768.

AN ACT authorizing County Courts to make compensation to Clerks for services under the Pension Laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court may allow clerk for certificates, &c., to pension & other papers.

§ 1. That hereafter it shall be the duty of the several county court clerks to keep an accurate statement of the number of certificates and county seals affixed by him during the year to pension and other papers for widows and others, against the government of the United States, and report the same to the county court at its court of claims; and it shall and may be lawful for said court to allow such clerk an allowance for said services as said court in its discretion may deem proper, to be paid out of the county levy.

§ 2. This act shall take effect from and after its passage.

Approved June 3, 1865.

CHAPTER 1769.

AN ACT to repeal an act, entitled "An act to repeal an act to amend the revenue laws of this Commonwealth," approved February 7th, 1865, as to the counties of Laurel, Rockcastle, Knox, and Woodford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Chapter 845, p. 28, this vol., repealed as to certain counties.

§ 1. That an act, entitled "An act to amend the revenue laws of this Commonwealth," approved February 7th, 1865, be, and the same is hereby, repealed as to the counties of Laurel, Rockcastle, Knox, and Woodford, and the laws in relation to the collection of revenue for this State at the time of the passage of the act herein repealed shall be and remain in full force.

§ 2. This act shall be in force from its passage.

Approved June 3, 1865.

CHAPTER 1787.

AN ACT to revise, amend, and reduce into one the Bastardy laws of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 R. S., 198. Who deemed a bastard.

§ 1. That every child shall be deemed a bastard, within the meaning of this act, who shall be begotten and born out of lawful wedlock; and in cases where a woman shall have been divorced from her husband on the ground of her being pregnant at the time of her intermarriage by another man, and having concealed her pregnancy from her husband, the child of which she was thus pregnant shall be deemed a bastard within the meaning of this act, and for all purposes whatever.

How the father to be accused.

§ 2. Any unmarried white woman may go before the clerk of the county court of the county wherein she has been delivered of a bastard child, or of the county of her residence,

1865.

if she was delivered thereof in another State, and accuse any person of being the father of the child. The clerk shall examine the mother of such bastard child, under oath, concerning her residence, and her married or single condition when the child was begotten, where and when she was delivered of such child, and if she was delivered of the child out of this State, of the reason thereof, and reduce her statement to writing, and sign the same as clerk: *Provided, however,* If the clerk fail to reduce the mother's statement to writing, or, reducing it to writing, and it should be lost, such failure or loss shall be no cause for dismissal of the warrant.

§ 3. On such examination, if the child appear to be less than three years old, a warrant shall be issued by the clerk, directed to a sheriff or any constable, requiring the person accused to be apprehended and brought before the county judge of the county wherein he may be found, who shall require him to enter into a recognizance, with good security, in a sum to be determined by such judge, not exceeding two thousand five hundred dollars, to appear in the county court of the county in which the warrant issued, on the first day of the next term thereof, and to abide by and perform the judgment of said court.

Warrant to issue, &c.

§ 4. If the person accused shall fail or refuse to give such recognizance as shall be required of him, the judge shall forthwith commit him to the jail of his county, there to remain until he enter into the required recognizance, or otherwise be discharged by due process of law.

Accused may be committed.

§ 5. Should the case be continued at any term of the court, the recognizance may also be continued, by the consent, in open court, of the accused and his securities, or may be respite or renewed; or, on the failure of the accused to give recognizance, he shall be committed to jail, there to remain until the trial of the cause. But should the accused fail to appear as required by his recognizance, and remain to respond to and satisfy any judgment that may be rendered against him, the bond for his appearance as aforesaid shall be forfeited, and judgment rendered thereon; but if, after judgment is rendered against the security or securities, such security or securities, or one of them, shall enter into bond with good security, to be approved by the court, conditioned to pay such sums as may be adjudged against the accused, in such installments as the court may direct as hereinafter provided; then, in that case, the court shall set aside the judgment upon the forfeiture, the costs, including thirty per centum upon the amount of the recognizance to the county attorney, having been first paid by such security or securities.

Continuance—recognizance.

Forfeiture and proceeding thereon.

§ 6. If the accused shall fail to appear and make default, the trial of, or other proceedings in the cause, shall, nevertheless, proceed as though he were present; and the court shall, upon the verdict of the jury, make all such orders as it shall deem proper, precisely as though the accused were in court, or make all such orders as it shall deem proper to carry out the provisions of the preceding section, should the security or

Trial.

1865.

securities, or either of them, avail himself or themselves of the provisions thereof.

Mother a witness.

§ 7. On the trial of the cause, the mother of the child, unless she is otherwise incompetent, may be a witness; and if the party accused desire it, unless he is otherwise incompetent, he shall be examined on oath. Other evidence may be adduced by either party; and if the mother of the child was delivered thereof out of this State, she shall be a competent witness, being otherwise competent, to show that she was but temporarily absent from this State at the time of her delivery, and that such absence was or was not for the purpose of being delivered of the child out of this State, or was or was not procured by the accused. That the child was delivered in another State, shall be no cause for dismissal of the warrant, if the mother be a *bona fide* resident of this State.

New trial.

§ 8. If the finding of the jury shall be in favor of the accused, he shall be discharged, unless there be a motion for new trial; in which case he shall be held until such motion be disposed of; and if a new trial is granted, the same course shall be pursued toward the accused as in case of continuance.

Judgment against accused

§ 9. If the finding of the jury be against the accused, they shall say what sum he shall pay per year, and for what number of years; and the court, in rendering judgment thereon, shall make an order for the payment of the per annum in such installments (monthly, quarterly, or half-yearly) as to him shall seem best, and shall also make such order for the keeping, maintenance, and education of the child as he may deem proper; and in case of forfeiture and judgment thereon, should the security or securities, or either of them, fail or refuse to avail himself or themselves of the provisions of section 5 of this act, the money collected upon the judgment upon the forfeiture, after payment of the costs in said section 5 mentioned, shall be applied in payment of the judgment against the accused; and if any balance remains after the payment of said judgment, it shall be paid to the trustee of the jury fund by the county attorney, who shall receive the money so collected for the purposes aforesaid.

Bond to be given or accused committed.

§ 10. The accused, if he shall be adjudged to be the father of the child, shall thereupon enter into bond, with good security, to be examined by the county attorney and approved by the court, conditioned for the payment of the sums adjudged, in such installments as the court shall direct. In case of his failure to enter into such bond, the court shall commit him to jail, there to remain until he shall give such bond, pay the money, or be discharged as an insolvent debtor, having first given to the county attorney twenty days' notice of his intended application for such discharge.

Remedy on bond.

§ 11. If the bond required in the preceding section be given, the payment of the installments therein set forth may be enforced by rule and attachment, or by execution, which may issue upon said bond as executions issue upon replevin bonds. If the child shall die before the expiration of aforesaid bond, the person adjudged to be the father of the child shall, by order of the court, be discharged from said bond, upon payment,

by himself or securities, of the amount due or owing upon the same at the date of the death of the child. 1865.

§ 12. If the adjudged father shall appeal, or prosecute a writ of error, with a supersedeas to the Court of Appeals, from the decision of the county court, and the decision shall be affirmed, the sureties in the appeal or supersedeas bond shall be liable for all the father had been adjudged to pay, and also the costs and ten per centum damages on the appeal; and the Court of Appeals shall allow a fee to the Attorney General, if he shall defend the appeal, not exceeding twenty-five dollars, which shall be taxed as costs in the case in said court. Appeals.
Attorney Gen-
eral's fee.

§ 13. If the jury shall find against the person accused, he shall be adjudged to pay the costs of the cause; and the court shall allow to the county attorney, if he prosecute, a fee, which shall be taxed as part of the costs of the cause. Costs.

§ 14. This act shall apply to judgments upon forfeitures heretofore rendered, which have not yet been collected; and acts or part of acts inconsistent herewith are hereby repealed. To apply to
former judg-
ments.

§ 15. This act to take effect from its passage.

Approved June 3, 1865.

CHAPTER 1788.

AN ACT for the benefit of various Sheriffs of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriffs of this Commonwealth have until the first day of June next to make out and return to the Auditor of Public Accounts as delinquents, such of the enrolled militia of their respective counties as were in the military service of the United States, or of the State of Kentucky, during the year 1864, and such also as had enlisted in the service of the so-called Confederate States; the Auditor is hereby directed to give said sheriffs, respectively, credit for the military fines assessed against such persons. Further time to
sheriffs to make
out delinquent
militia lists.

§ 2. This act to be in force from its passage.

Approved June 3, 1865.

CHAPTER 1790.

AN ACT to amend sections 23 and 24, of chapter 84, Revised Statutes, entitled "Roads and Passways."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 23, chapter 84, Revised Statutes, be so amended that hereafter the fine imposed by said section for failure or refusal to attend and labor, shall be two dollars and fifty cents for each day, instead of one dollar and twenty-five cents, and may be collected by warrant in the name of the Commonwealth. R. S., 290.

1865.

Ibid., 291.

§ 2. That section 29, sub-section, be amended by inserting after the word notice, "either written or verbal," and by adding to the sub-section the following: The oath of the surveyor, or person appointed by him to notify the land that he has given the notice, shall be *prima facie* that such notice was duly served.

§ 3. This act to be in force from its passage.

Approved June 3, 1865.

CHAPTER 1794.

AN ACT to amend the 27th chapter of the Revised Statutes, title "Courts."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 R. S., 302,
title "Courts,"
amended, re-
quiring orders
to be read each
day.

§ 1. That it shall be the duty of each and every circuit court, chancery court, and criminal court of this Commonwealth, to have the orders and proceedings of the court drawn up at full length at the end of each day, and read over audibly in open court, and proper corrections made on each succeeding morning of the court, in the presence of the members of the bar in attendance; if the court sits but a fraction of a day on the close of the term, the orders and proceedings of that day may be read as above directed, corrected, and signed on the evening of the same day, or on the first day of the next term of the court.

Penalty for
failure.

§ 2. *Be it further enacted*, That any judge of any of the courts above named, who shall fail to comply with the provisions of this act, shall be held to be guilty of a high misdemeanor, and proceeded against accordingly.

§ 3. This act shall take effect within thirty days from its passage, and the provisions of this act, as far as applicable, shall apply to the several county courts of this Commonwealth.

Approved June 3, 1865.

CHAPTER 1800.

AN ACT for the benefit of the Kentucky Institution for the Education of the Deaf and Dumb at Danville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Who entitled to
benefits.

§ 1. Said Institution shall be open for the reception of all deaf mutes in the State between the proper ages for instruction.

What pupils
shall pay.

§ 2. It shall be the duty of the trustees and principal of said Institution to receive from the parents or friends of such pupils as are able to pay, such sums for clothing and contingent expenses as may seem reasonable and just, and within the ability of such persons to pay. Amounts heretofore received from such persons, and for the purposes aforesaid, are hereby legalized and approved.

1865.

Reports to Auditor.

§ 3. It shall be the duty of the trustees and principal of said Institution for the Deaf and Dumb, through their secretary, to send to the Auditor of Public Accounts a detailed account of all the sums received from parents or friends of the pupils, as required in the second section of this act, with a detailed account of how the same was expended, with proper vouchers.

§ 4. It shall be the duty of the trustees of said Institution to appoint an auditor for the Institution, who shall, before entering on the discharge of his duties, take an oath before some officer of the State authorized to administer the same, that he will faithfully and honestly discharge the duties of his office. It shall be the duty of said auditor to examine the accounts of the principal for supplies and necessities of every kind, and, upon approval by him, the secretary of the Institution shall draw his warrant upon the treasurer of the Institution for the payment thereof. Said auditor shall examine the accounts of the Institution of every kind, before transmission to the Auditor of the State, and certify to their correctness; and, so far as the character and kind of the articles purchased and expenses incurred, his approval and certificate shall be sufficient: *Provided*, That the State Auditor shall be satisfied that same is correct. The said auditor of the Institution may also examine and report as to past accounts.

Trustees to appoint an Auditor.

Oath.

Duties.

§ 5. It shall be the duty of the principal of the Institution to keep a separate account of all sums received from parents or friends of pupils, and the annual appropriation of two hundred dollars made by the State for clothing and of the expenditures of the same, approved and certified by its auditor, as hereinbefore provided. Amounts received from the parents or friends of pupils, or from the State for clothing, shall not be deducted from the annual allowance made for the board and maintenance of each pupil.

Duties of principal to keep a detailed account.

§ 6. It shall be the duty of the Auditor of the State to furnish, to the principal or secretary of said institution, as soon as he conveniently can after the return of the assessors' books, a complete and accurate list of all the deaf mutes returned by the assessor in each county of the State, with their nearest post-office, so far as returned by the assessors. It shall be the duty of the Auditor annually to call the attention of the assessors to their duty in this regard, and especially of those who may have neglected, in the year, their part.

Auditor to furnish list of deaf mutes in State.

§ 7. The trustees of the Institution aforesaid may permit the wife (a deaf mute) and children (one of them a deaf mute) of the late John Blount, who was a meritorious instructor in said Institution, to retain the rooms now occupied by them in one of the buildings of the Institution, and may furnish them with supplies of food and fuel for a reasonable time, until she or her friends can otherwise provide for her and her children.

Wife & children of John Blount, deceased.

§ 8. This act to take effect from its passage.

Approved June 3, 1865.

1865.

CHAPTER 1801.

AN ACT for the benefit of the American Printing House for the Blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation.

§ 1. That there shall be, and is hereby, appropriated to the American Printing House for the Blind, located in Jefferson county, Kentucky, five dollars annually, for every blind person in the State of Kentucky, according to the census of the United States, to aid the institution in printing books in raised letters for the blind, and in furnishing the same gratuitously to the indigent blind, and at cost to others, in accordance with the provisions of the charter of said Printing House for the Blind, granted by the Legislature of Kentucky.

Acts called session, 1861, p. 168—annual & special meetings.

§ 2. That the third section of the amended charter of the American Printing House for the Blind, approved April 3, 1861, be so amended as to read as follows, viz: It shall be the duty of said trustees to hold an annual meeting and other stated meetings, at such times as they may appoint, and such special meetings as may be called by the president or secretary.

Ibid, 170.

§ 3. That the tenth section of said amended charter of said Printing House for the Blind be so amended as to read as follows, viz: The trustees of said printing house shall continue in office until their offices shall become vacant by resignation, neglect to act, death, removal from the State, or removal from office as hereinbefore provided for; all vacancies caused by resignation, neglect to act, death, or removal from the State, shall be filled by the remaining members of the board.

§ 4. That the Auditor is directed to draw his order on the Treasurer in favor of the superintendent of the institution for the sum appropriated by this act.

§ 5. That this act shall take effect from its passage.

Approved June 3, 1865.

CHAPTER 1802.

AN ACT to amend 8 Sub-section of Section 2, Chapter 32, of Revised Statutes, title "Elections."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 R. S., 440.
Vacancy.

§ 1. That whenever a vacancy shall occur at any time in the Court of Appeals, or any circuit courts or Jefferson county court, within ninety days before the first Monday in August in any year, the Governor shall, by his proclamation, order an election to fill said vacancy on the first Monday of August next following his receiving notice of the vacancy: *Provided*, That a sufficient time shall intervene between said notice and the said first Monday of August to issue said proclamation twenty days before the day of the election.

§ 2. This act shall go into effect from its passage.

Approved June 3, 1865.

CHAPTER 1826.

1865.

AN ACT amendatory of an act, entitled "An act to empower the Governor to raise a force for the defense of the State," approved January 26, 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act empowering the Governor to raise a force for the defense of the State," approved January 26th, 1864, as authorizes the Governor to raise five thousand men, be, and the same is hereby, repealed; but nothing in this act shall be so construed as to require the immediate mustering out of any portion of the force raised under said act, and who are now in the service; but said forces shall be mustered out of the service so soon as the safety of the State will permit.

Acts 1863-4, p. 20, repealed.

§ 2. This act shall take effect from its passage.

Approved June 3, 1865.

CHAPTER 1838.

AN ACT to regulate the office of Commissioner and Receiver of the Louisville Chancery Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all sales made under decrees of the Louisville chancery court, where specific amounts are ordered to be raised, the marshal of said court shall add to the amount five dollars for the deed to such of the purchasers, and a sufficient amount to cover the United States revenue stamps, which the commissioner shall withdraw or retain from the proceeds of sale.

Fee for deeds & U. S. revenue stamps.

§ 2. That for all reports of services rendered by the commissioner under orders of reference, his fee shall be stated at the foot of the report, and when not objected to by the parties, shall be allowed by the court; and when objected to by either party, the court shall hear and determine the objections, and shall allow a reasonable compensation.

Commissioner's fee.

§ 3. That the present commissioner and receiver of said court shall continue in office during the term for which the present chancellor thereof has been elected, subject to removal for cause, and shall perform the duties now required of him by the law and the rules of said court; he shall deposit the funds of said court in any chartered bank doing a regular banking business in the city of Louisville, or in any National Bank located in said city; and said commissioner and receiver may require of said depository bond or covenant, payable to him in the penalty of \$100,000, conditioned to pay all moneys deposited by him upon and under any check that he may draw in obedience to the order of said court; and said commissioner and receiver, or any party interested, shall have the right of action on said bond, which shall be returned to and filed with the clerk of said court.

Term of office of com'r and receiver.

1865.

Commissioner
and Receiver to
report bank of
deposit.

§ 4. That the commissioner and receiver shall state what bank is the depository of the court upon the record of said court; and if at any time he shall change the same, the court shall make the necessary order on the former depository for the transfer of the fund on hand in said bank.

Commissioner
and Receiver—
how appointed.

§ 5. That upon the election and qualification of each succeeding judge of said court, he shall appoint a commissioner and receiver thereof for his said term, who shall be first recommended to him in writing, and signed by a majority of the resident practicing attorneys of said court, and none other shall be deemed qualified for said office; said commissioner and receiver shall, before he enters upon the duties of his said office, take the oaths now prescribed by law, and shall give bond with two or more good securities, in the penalty and with the condition as now prescribed by law and the rules of said court, and shall hold said office until his successor is appointed and qualified; and shall be liable to impeachment and dismissal for misfeasance or malfeasance in office, or for using for individual purposes the funds in said court, to be tried and convicted in the manner as clerks of courts are tried.

§ 6. Said commissioner shall, with the approval of the said court, appoint such deputies and assistants as the business of his office requires.

§ 7. All laws in conflict with the foregoing are hereby repealed, and this law to take effect from its passage.

Approved June 3, 1865.

CHAPTER 1842.

AN ACT to amend the existing Militia Laws of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Chapter 1455,
p. 97, this Vol.
Militia tax.

When collect-
ed.

§ 1. That in section 10, article 2, of the act, entitled "An act to organize and discipline the militia of Kentucky," approved March 4, 1865, that "ninety days" be inserted instead of "twenty-five days," and "fifty cents," instead of "five dollars," with the following proviso attached to the section: *Provided, however,* That the above tax shall be first levied and collected in the year 1866.

§ 2. This act shall take effect from its passage.

Approved June 3, 1865.

CHAPTER 1845.

AN ACT for the benefit of the Creditors of the Kentucky Trust Company Bank.

WHEREAS, By an order of the Kenton circuit court, entered on the 1st day of November, 1854, at the suit of C. W. Clayton et al., against the Trust Company Bank, John W. Finnell, W. B. Kinkead, and L. W. Winston were appointed commissioners to take possession of the assets of said bank, and manage the same for the benefit of the noteholders, creditors,

and stockholders; and whereas, said commissioners have faithfully performed the trust, and so far realized and distributed the assets of said bank as it is near possible, and there still remains some evidences of debts due said bank, some of which are in litigation, costing heavily to manage the same; and whereas, the true interest of the stockholders demand a sale of all such choses in action; and whereas, the chancellor has decided he has no power to order such sale, nor to remedy the same.

1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the filing of such amended pleading as may be requisite in the above causes, and proof of the necessity for the sale of the uncollected assets of the Kentucky Trust Company Bank, the court may order such sale upon equitable terms, investing the purchaser with all the rights of action now given to said bank by its charter.

Sale of uncollected assets.

Approved June 3, 1865.

CHAPTER 1846.

AN ACT to regulate certain Corporations in Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every corporation in this State shall report annually on the first of December to the Auditor the amount of stock they are permitted to take; the amount taken; the amount of stock paid in; the amount of their liabilities; the amount of their assets; the amount of their income, and a full expose of their condition and management. This shall be done by the president and cashier, or the officers controlling and directing such corporation, by whatever name they may be designated. For failure to make such report at the time designated in this act, the president and cashier, or the officers designated in this act, shall be fined five hundred dollars each. This may be recovered in the Franklin circuit court, or any of the circuit courts of this State having jurisdiction, on motion, after ten days' notice. The Commonwealth's Attorney shall have one third of any fines made for prosecuting under this act when he causes to be paid the fines made into the Treasury. The fines made under this act shall go to the school fund.

To make annual reports.

Penalty for failure.

Com'wealth Attorney's fee.

§ 2. This act shall not apply to corporations heretofore organized to report by law, nor shall it apply to town or city corporations, or corporations for charitable, educational, or religious purposes.

§ 3. This act to take effect from its passage.

Approved June 3, 1865.

RESOLUTIONS

No. 50.

RESOLUTION fixing a day for election of a United States Senator.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That on Wednesday, the 11th instant, the two Houses will proceed to the election of a Senator in Congress for the term commencing on the 4th day of March, 1865.

1865.

Approved January 11, 1865.

No. 51.

RESOLUTION in relation to a portrait of Henry Clay.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That J. J. Landram, J. Kemp Goodloe, W. H. Grainger, James F. Robinson, and B. H. Bristow be, and they are hereby, authorized to contract with some competent artist for a life-size portrait of Henry Clay, to be placed in the Senate Chamber.

2. It shall be the duty of the Auditor to draw his warrant on the Treasury in favor of the said Landram, Goodloe, Grainger, Robinson, and Bristow, for such sum as may be expended by them in procuring said likeness, including frame, when the portrait above named shall be approved by the Governor, or such persons as he may direct to inspect the same.

Approved January 11, 1865.

No. 52.

RESOLUTIONS in relation to the death of the Hon. Gibson Mallory

"In the midst of life we are in death." By the inscrutable will of an All-wise Providence, we have to lament the loss of our dear friend and companion, Gibson Mallory, the late Senator from Jefferson county, who was suddenly taken away from us last summer, when in full health and usefulness. In respect to his memory, therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That in the death of Gibson Mallory the Legislature has lost one of its most industrious and valuable members, and the State a patriotic citizen.

1865.

2. We respectfully tender to his family, relations, and friends our condolence and sympathy for this sad, sudden, and unexpected bereavement.

3. That the Clerk of the Senate transmit a copy of these resolutions to the family of our late friend and companion, Gibson Mallory. That the two Houses be draped in mourning, and that the members wear the usual badge of mourning as a further testimonial of our respect.

Approved January 11, 1865.

No. 53.

RESOLUTIONS upon the death of Hon. J. P. Sparks.

WHEREAS, Since the last assemblage of this General Assembly, it has pleased the Almighty Disposer of events to remove from our midst J. P. Sparks, one of its members; therefore,

Resolved by the General Assembly of the Commonwealth of tucky:

1. That we deeply deplore the bloody fate that severed his connection with this body, struck him down in the vigor of his manhood, and cut short a life of usefulness, the best energies of which he was devoting to the interests of his State and the cause of his country.

2. *Resolved*, That we tender to his surviving relatives and friends our heartfelt sympathies for the loss they have sustained.

3. *Resolved*, That a copy of these resolutions be spread upon the journals, and sent to his family; and that the members wear, for the accustomed time, the usual badge of mourning.

Approved January 11, 1865.

No. 54.

RESOLUTIONS upon the death of Hon. Hugh Irvine.

Since the last meeting of the Legislature it has pleased the Heavenly Father to call our friend Hugh Irvine, a member of the House from the city of Louisville, from the busy and troublesome cares of this life to a state of eternal rest. Hugh Irvine was an ardent and devoted Christian, and truly showed his faith by his works of love and charity; he was a zealous patriot and faithful legislator, and good citizen, and all his sentiments and associations turned to the promotion of the well-being and happiness of others; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That as an evidence of respect for his memory, the members of this General Assembly wear the usual badge of mourning.

Resolved, That the Clerk transmit a copy of these resolutions to the family of Mr. Irvine.

1865.

Approved January 11, 1865.

No. 55.

RESOLUTION appointing a committee to visit the President of the United States, and lay before him the present disturbed condition of Kentucky.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee, consisting of three members of the House and two of the Senate, be appointed by the respective Speakers. That said committee visit in person the President of the United States, and lay before him the condition and grievances of Kentucky, resulting from guerrillas and predatory bands of outlaws, who are murdering and robbing, and will, unless driven out, destroy millions of property and depopulate portions of the State.

Approved January 14, 1865.

No. 56.

RESOLUTIONS requesting the Governor to have salutes fired on the 9th January and 22d February.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor be requested to have fired thirty-four round of cannon on this day, in commemoration of the victory obtained by our forces under General Andrew Jackson; and the like number on the 22d February, in honor of the birth of America's greatest patriot, General George Washington.

Approved January 14, 1865.

No. 57.

RESOLUTIONS upon the death of the Hon. John Whitnel.

Since the last meeting of this Legislature it has pleased the Almighty Disposer of events to call our friend, John Whitnel, a member of this body from the county of Calloway, from the toils and troubles of this life to eternal rest. John Whitnel was a kind husband and affectionate father, a devoted Christian, and an ardent lover of his country, and a good citizen, and all his sentiments and associations turned to the good of his country, and for the welfare of those with whom he had to do; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That, as an evidence of the respect and regard for his memory, we tender to his surviving relatives and friends our heartfelt sympathies for the loss they have sustained.

1865.

2. *Resolved*, That a copy of these resolutions be spread upon the journals of this House, and the clerk be requested to send a copy of the same to his son, David Whitnel, at Vienna, Illinois.

Approved January 16, 1865.

No. 58.

RESOLUTION providing for the removal of the remains of John Finley and Simon Kenton to the Cemetery at Frankfort.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That as a fit and merited expression of the gratitude of this Commonwealth to John Finley, the pioneer who first of all others explored the wilds of Kentucky; and of Simon Kenton, whose heroic deeds in repelling the incursions of the savage foe, and in laying the foundations of civilization here, are among our most cherished historic memories, the Governor be requested, if practicable, to cause the removal of their remains and their burial, with suitable head-stones to mark their graves, in the cemetery at Frankfort, near the grave of Daniel Boone, in order that the bones of these companions in the perils and privations of the wilderness may repose together beneath the sod of their loved Kentucky.

2. That the Auditor be directed to draw his warrant in favor of the Governor for such sum as he may find it necessary to expend in carrying out the foregoing resolutions, to be ascertained by his written statement thereof, of not exceeding in amount five hundred dollars.

Approved January 20, 1865.

No. 59.

REPORT AND RESOLUTION in relation to the proposed Federal Tax on Leaf Tobacco.

The special committee to whom was referred a communication from the State Agricultural Society, would respectfully report that they have had the same under consideration, and recommend the adoption of the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor be requested to forward to each of our Senators and Representatives in Congress a copy of the foregoing communication on the subject of the proposed tax on leaf tobacco.

Approved January 23, 1865.

No. 60.

1865.

RESOLUTION of inquiry to the Governor in relation to the defense of the State.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor of this Commonwealth be respectfully requested to inform this Legislature, if not inconsistent with the public safety, what he has done for the defense of the State from guerrillas and Confederate raiders; whether he has been able to effect the object, and if not, whether he has any plan to accomplish it, and what action he desires on the part of this Legislature in aid of his efforts.

Approved January 23, 1865.

No. 61.

RESOLUTION instructing State Librarian to purchase Stanton's Codes of Practice.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Librarian be instructed to purchase for the use of the State six copies of Stanton's Codes of Practice.

Approved January 25, 1865.

No. 62.

RESOLUTIONS of instruction to the Attorney General.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Attorney General of the State be, and he is hereby, required to take the necessary steps to recover the several amounts due the State of Kentucky, as shown by the report of T. T. Alexander and G. T. Wood, committee to examine the accounts of Grant Green, late Auditor.

Approved February 10, 1865.

No. 63.

RESOLUTION in relation to postponing the Draft in Kentucky.

WHEREAS, The quota of Kentucky under the forthcoming draft was not published until the 3d of February; and whereas, in the present distracted condition of the Commonwealth it would be unwise to withdraw men from their homes and the defense of the same; wherefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the President of the United States be respectfully and earnestly requested to postpone the draft for as long a time as

1865. is consistent with the public interest and safety, even though it should not be for more than thirty days.

Approved February 15, 1865.

No. 64.

RESOLUTIONS asking the passage of a law by Congress for the benefit of the widows and orphans of soldiers who have died or been killed before being mustered into the service.

WHEREAS, In recruiting and organizing troops for the Federal army in the State of Kentucky, many soldiers, after enlisting in the State service, and before they were mustered regularly into the United States service, have died, been killed, or disabled in the line of their duty in the service as aforesaid; and whereas, under existing laws their widows and heirs are not entitled to arrears of pay, bounty, and pension; wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That our Senators and Representatives in Congress be requested, at as early a day as possible, to bring forward and urge the passage of a law by Congress for the benefit of the disabled or discharged soldiers, and widows and heirs of soldiers who have died, been killed while actually in the military service of the United States, but before they were formally mustered into said service, placing them upon the same footing as to arrears of pay, bounty, and pension as the widows and heirs of soldiers regularly mustered into said service.

Resolved, That a copy of this resolution be sent to each of our Senators and Representatives in Congress.

Approved February 22, 1865.

No. 65.

RESOLUTION welcoming General Palmer to Kentucky.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That we welcome heartily to our State Major General Palmer, the Military Commander of this Department, and assure him of the hearty support of ourselves and our constituents, in his patriotic efforts for the protection and peace of our people in the enjoyment of their rights under the constitution and the laws.

Approved February 22, 1865.

No. 66.

1865.

RESOLUTION providing for the sale of old buildings, machinery, and material in the Kentucky Penitentiary.

WHEREAS, In consequence of the destruction of buildings and machinery by the late fire in the State Penitentiary, there has a considerable quantity of damaged machinery and material accumulated in the inclosure of the penitentiary; and further, there are several old buildings and material in the inclosure which should be sold and removed; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Supervisors of the Penitentiary be, and they are hereby, authorized and directed to sell said machinery, material, and buildings, as they may deem necessary; and, from time to time, sell the same as it may accumulate in said penitentiary, for cash or on a reasonable credit, to the highest bidder, and pay the proceeds of all such sales into the Treasury of the Commonwealth, and take receipts for the same, and report their proceedings to the Governor of the Commonwealth.

Approved February 24, 1865

No. 67.

RESOLUTION of instruction to the Attorney General of the State.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Attorney General is requested to inquire into the rights and interests of the Commonwealth, or the Kentucky Institution for the Education of the Blind, in the Louisville and Portland railroad, and by proper legal proceedings enforce any such rights and interests.

Approved February 24, 1865.

No. 68.

RESOLUTION in relation to the sale of certain Public Books.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That whereas George A. Robertson, State Librarian, has reported that there are about one hundred and twenty volumes of the Debates on the New Constitution of Kentucky now in the Library, and that twenty of said volumes are sufficient for the use thereof; he is hereby authorized and empowered to sell all the surplus volumes of said Debates at a price not less than \$2 00 per volume, and pay over or account to the Auditor of this State for the proceeds of the sales of same; and that he deliver to each Senator and Representative in the Legislature of Kentucky three copies of the fourth volume of the Geological Surveys of Kentucky for distribution.

Approved March 1, 1865.

1865.

No. 69.

RESOLUTION appointing Committee to examine into the Internal Improvement Fund.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Attorney General and President of the Board of Public Improvements are required to investigate the accounts, since 1850, of the persons whose duty required them to collect and pay into the Treasury the tolls on slack-water navigation of the Kentucky river, and to report to the next session of the General Assembly; and the Attorney General is directed to adopt the necessary measures to enforce the payment of the amount found due to the Commonwealth or sinking fund from said tolls.

Approved March 1, 1865.

No. 70.

RESOLUTION to provide for printing and distributing the General Laws of the present session.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Public Printer print, in pamphlet form, all the general laws passed at the present session, and send by mail, postage paid, one copy to each of the members of the Senate and House of Representatives, to each judge of the court of appeals, of the circuit and chancery courts, the Attorney General, each Commonwealth's Attorney, and to the clerk of the court of appeals, and each clerk of the circuit and county courts, and county attorneys, and clerks and assistant clerks of this Legislature, and county judges and heads of departments at Frankfort.

Approved March 2, 1865.

No. 71.

RESOLUTIONS requesting our Representatives in Congress to vote to provide an Asylum for War-worn Veterans and Cripples.

~~AND~~ WHEREAS. There are now in the loyal States more than fifty thousand permanently disabled soldiers, many of whom have neither friends, relatives, money, or homes, and many others are without adequate means of support; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That our Representatives and Senators in Congress be instructed to use their influence in providing these crippled and war-worn veterans with a pleasant asylum or retreat in each great military division of the Eastern, Middle, Western, and Pacific States, where, surrounded by every necessary comfort, they may repose in peace and quiet happiness for the remainder of their days.

2. That the Governor of this State be requested to forward a copy of these resolutions to each of our Representatives and Senators in Congress.

1865.

Approved March 3, 1865.

No. 72.

RESOLUTION in relation to a recess of the present General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That when the two Houses of the present General Assembly adjourn on the 6th of the present month, they will adjourn to meet again on the third Tuesday of May next.

Approved March 4, 1865.

No. 73.

RESOLUTIONS in relation to Boards of Trade in Kentucky.

WHEREAS, It has been communicated to the General Assembly of the Commonwealth of Kentucky that the military authorities, without law, and in violation of law, recently established in the State of Kentucky boards of trade, who, for certain fees, were to pass upon and determine who should buy and sell, not only in the ordinary course of trade, but for family supplies, and, as practiced in Kentucky, it was a system of partisan political corruption and oppression; and, under said system of trade regulations, frauds, swindles, and oppressions have been practiced upon the citizens of Kentucky to a large amount, and important markets closed and prohibited by them by threats of military arrests and confiscation of their property; and whereas, it has been stated and rumored that persons holding places in the board of trade were engaged in trade themselves, and that they have used their position and office to break down competition in their respective business, increase their profits, and extend their trade and business; and whereas, it has been stated and rumored that divers citizens of Kentucky have been engaged in procuring trade permits for other persons, and extorting large and exorbitant fees, bribes, and rewards therefor—now, for the purpose of ascertaining whether the liberty and rights of property of any of the loyal citizens of the Commonwealth have been invaded, as set out in this preamble, and whether any legislation by the General Assembly for the redress of the wrongs complained of is demanded by the circumstances of the case; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the Governor of this Commonwealth is hereby authorized and requested to appoint a commission, to consist of three good and loyal citizens of this Commonwealth, a majority of whom may act in the premises, whose duty it shall

1865.

be to inquire into and ascertain and report to the Governor the following facts: 1st. Whether the trade system recently established by the military authorities in the State of Kentucky was authorized by law. 2d. Whether said trade system was used for partisan political purposes, and to prevent the free exercise of the elective franchise. 3d. What restrictions, if any, were imposed on the hog trade of Kentucky during the last fall, and whether said restrictions had the effect to close important markets for that article, and to compel the producers thereof to sell at less prices than their fair market value; and whether the individuals appointed or permitted to purchase and slaughter hogs in Kentucky, or ship them to market in or out of this State during said restrictions, received the profits arising therefrom, and to what extent and amount. 4th. Whether any of the boards of trade thus established, or any member or members thereof, used their official position and power to extend their own business and increase their profits, or for the purpose of breaking down competition and securing a monopoly; and whether any member or members of any board of trade charged improper fees for permits. 5th. Whether any citizen of Kentucky, or other person or persons, were engaged in securing trade permits for other persons, and charging exorbitant fees, bribes, and rewards for the same, and extorting payment thereof: *Provided*, That public notice of the times, places, and objects of the meeting of said committee be published in some newspaper in Lexington, Louisville, and Frankfort by the chairman of said commission, and all persons who may feel themselves interested in the investigation of said commission be invited to attend and be heard, if they so desire.

2. *Be it further resolved*, That, for the purpose of facilitating said restrictions, each member of the present General Assembly be requested to communicate to said commission any knowledge or information he may have in relation to the matters embraced in the foregoing preamble and resolution.

3. *Be it further resolved*, That the members of said commission, before they proceed to act herein, shall take an oath before some one authorized to administer oaths that they will faithfully and impartially perform the duties herein imposed; and they shall have power to send for persons and papers, and to swear witnesses and take evidence by affidavit or deposition; and they may adjourn from time to time, and from place to place, in this Commonwealth, until their business is completed; and said commission shall make a report to the Governor of this Commonwealth of their proceedings herein, and of the facts and information obtained, and also the proof taken by them; and the General Assembly will hereafter [provide], by law, a fair remuneration for their services.

4. *Be it further resolved*, That the Governor shall lay said report, evidence, and proof before the General Assembly.

Approved March 4, 1865.

No. 74.

1865.

RESOLUTIONS providing for an investigation, by the Kentucky Legislature of the charges against Joshua F. Bullitt, a Judge of the Court of Appeals.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That inasmuch as a committee of the House of Representatives have reported that they had heard evidence conducing strongly to show that Joshua F. Bullitt, a Judge of the Court of Appeals for this Commonwealth, was guilty of belonging to a treasonable association; it is therefore the opinion of this Legislature that the said Bullitt's conduct should be investigated, and that to this end a committee of five members of the House of Representatives shall be appointed to prepare resolutions addressing him out of office, to be reported on the third Tuesday of May next. That it shall be the duty of this committee to cause the attendance of witnesses (on process to be issued by said committee) on that day, who shall be examined in presence of the two Houses in joint session by a member of the Legislature, selected by joint ballot of the two Houses to conduct the examination, who is also to appear throughout in support of the prosecution.

That the committee shall also give personal notice to Judge Bullitt of the sitting of the Legislature, and of his trial, if he is to [be] found in the State, or by advertisement in the Louisville Journal and Democrat, in the event of his absence; and that he be permitted to appear in answer to the charges, in person or by counsel, at the bar of this Legislature in joint session.

That said Bullitt may have process to procure the attendance of witnesses at the investigation.

That the testimony shall be taken down in writing by some competent person, to be selected by the Speakers of the two Houses.

Approved March 4, 1865.

No. 75.

RESOLUTION directing the Public Printer to print and distribute Titles and Synopses of Acts of General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Public Printer be, and hereby is, directed, immediately after the adjournment of the present session, to print the titles of all bills, and such synopses of all general laws enacted at this session as may be necessary to give the substance of them, in newspaper form, and to transmit by mail, postage paid, one hundred copies thereof to each Senator, and fifty copies to each Representative of the present General Assembly; and upon presenting his bill to the Auditor verified, he shall show his warrant upon the Treasurer for the amount thereof.

Approved March 4, 1865.

1865.

No. 76.

RESOLUTIONS requesting the President to permit Judge Bullitt to return and be present at his trial.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky, that Judge Joshua F. Bullitt, in consequence of an order for his arrest, upon charges preferred against him to the Military Commander of Kentucky, has left the limits of the United States; and whereas, charges have been preferred against him by the Legislature of Kentucky, which, by a resolution of the Legislature, are set for trial on the second Tuesday in May, 1865; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the President of the United States be respectfully requested to grant said Joshua F. Bullitt such respite from arrest for any such charges as have been preferred against him, that he may, free from arrest, be present at such investigation before the Legislature.

That the Governor of the Commonwealth be requested to transmit to the President of the United States a copy of the resolution.

Approved March 4, 1865.

PREAMBLE AND RESOLUTIONS in relation to the proposed Amendment to the Federal Constitution.

WHEREAS, The Congress of the United States has, by a vote of two thirds of the members of each House, submitted to the Legislatures of the States respectively, for their consideration and action, the following proposed amendment to the Federal Constitution, to-wit:

“ARTICLE XIII.

“SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

“SEC. II. Congress shall have power to enforce this article by appropriate legislation.”

And whereas, the above proposed amendment has been officially laid before this Legislature for its consideration and action; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the proposition to make said proposed amendment a thirteenth article of the amendments to the Constitution of the United States be, and the same is hereby, rejected.

2. *Resolved,* That the Governor be requested to forward the forgoing preamble and resolution to the President of the United States, and also to the President of the Senate and the Speaker of the House of Representative of the Congress of the United States.

RESOLUTIONS.

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IN HOUSE OF REPRESENTATIVES, }
February 23d, 1865. }

1865.

Twice read and adopted.

Attest,

JAS. B. LYNE, *Clerk.*

IN SENATE, February 24, 1865.

Twice read and concurred in.

Attest,

J. RUSSELL HAWKINS, *C. S.*

The Speaker laid before the House the following message from Gov. Bramlette, viz:

EXECUTIVE OFFICE, }
FRANKFORT, KY., March 1, 1865. }

Gentlemen of the House of Representatives:

A "Preamble and Resolutions in relation to the proposed amendment to the Federal Constitution," which originated in the House of Representatives, and have been adopted by the General Assembly, have been laid before me for consideration. The resolutions reject the proposed amendment.

The Congress of the United States having submitted the proposed amendment for the ratification of "*the Legislatures of the several States*," in accordance with the forms and provisions of the Constitution of the United States, it "shall be valid to all intents and purposes, as part of this (Federal) Constitution, WHEN RATIFIED by the *Legislatures of three fourths of the several States*."

Rejection by the present Legislative Assembly only remits the question to the people and the succeeding Legislature. Rejection no more precludes future ratification than refusal to adopt any other measure would preclude the action of your successors.

"WHEN RATIFIED by the Legislatures of three fourths of the several States," the question will be finally withdrawn, and not before. Until "RATIFIED," it will remain an open question for the ratification of "the Legislatures of the several States." "*When ratified*" by the Legislature of a State, it will be final as to such State; and "*when ratified* by the Legislatures of three fourths of the several States," will be final as to all. Nothing but *ratification* forecloses the right of action. "*When ratified*," all power is expended. Until "*ratified*," the right to *ratify* remains.

Believing that slavery is irrevocably doomed to speedy extermination; that no one can entertain the faintest hope of its possible continuance; that it has ceased to be valuable, and has become burdensome to our people, and must grow more and more so until relieved of it; that compensated labor taking the place of the present slave labor can only restore us to advancement and prosperity; that the true policy and real interests of the State would be subserved by an unconditional ratification of the proposed amendment, with a concurrent but independent enactment emancipating the slaves in Kentucky, to take effect and be declared when Congress shall have appropriated and secured to the State the last assessed value of slaves (in 1864), to enable the State, in conformity with the

1865.

constitutional requirement, to make "compensation," and declare immediate emancipation, thus leaving the onus upon Congress of retaining slavery in Kentucky for an indefinite period, or immediately relieving us of it by enabling us to emancipate by making compensation; therefore, I most earnestly but respectfully dissent from the resolutions rejecting the proposed amendment.

The destruction of \$108,000,000 of slave property by the direct and indirect action of our Government; our unyielding fidelity to our Government and loyal submission of our people to such action, though we could see no real necessity for or benefit to be derived from such destruction to our national cause, would constitute such strong claim upon the justice and magnanimity of the Congress of the United States as to justify the reasonable expectation that an appropriation would be made to free Kentucky immediately and forever from this disturbing question.

Entertaining the opinion, however, that your action is complete without my approval—that it remits the question to your successors—I do not therefore return the resolutions with my dissent, but shall cause them to be embodied with those adopted by the Legislature, and shall forward them, as provided for in the second resolution, as your action in the premises.

THOS. E. BRAMLETTE,
Governor of Kentucky.

No. 77.

RESOLUTION in relation to the trial of Hon. Joshua F. Bullitt.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That on Saturday, the 20th of May, 1865, at half-past 10 o'clock, A. M., the Senate and House of Representatives will go into joint session for the purpose of hearing any proof that may be offered in support of the address of the General Assembly removing the Hon. J. F. Bullitt, one of the Judges of the Court of Appeals; and that the examination of witnesses and the trial to be conducted by such person or persons as may be selected by joint ballot of the two Houses.

2. *Resolved*, That said Bullitt, by himself or counsel, have the privilege to appear at the bar of the House in his defense, and offer such proof as he may desire.

Approved May 20, 1865.

No. 78.

1865.

RESOLUTION appointing Joint Committee to prepare Resolutions in regard to the death of Abraham Lincoln, late President of the United States.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That a joint committee of seven, composed of four members of the House of Representatives and three from the Senate, to be raised by the appointment of their respective Speakers, to prepare and present resolutions expressing the deep abhorrence which this State feels at the murder of Abraham Lincoln, Esq., late President of the United States, and its profound sorrow at this great national calamity.

Approved May 20, 1865.

No. 79.

REPORT and RESOLUTIONS as to the proceedings of the two Houses in the Case of Judge Joshua F. Bullitt.

The committee to whom was referred the duty of preparing and reporting rules for the government and proceeding of the two Houses while in joint session, to investigate the charges preferred against Judge J. F. Bullitt, have had the same under consideration, and beg leave to report:

That the action of the General Assembly, in voting upon an address for the removal from office of a public functionary, as prescribed by the 3d section of the 4th article of the Constitution of Kentucky, is a legislative act differing from ordinary acts of legislation in this, that two thirds of each house, instead of a majority of each, is required to carry the address.

The Constitution makes no provision, and no precedent is found under it, for the meeting of the co-ordinate branches of the General Assembly in joint session for legislative action.

The precedents are against such action. Questions of doubt and difficulty would present themselves at every stage of the proceeding. Who shall preside over the deliberations of the joint session? Who appoint the person or persons to conduct the prosecution on the part of the Legislature and of the accused? Can the Senate *vote in the House*, and *with the House*, upon preliminary and incidental questions as they are presented? And if it can, then is the vote of that body equal to that of the House, or only equal to one third of that body? And, in case of a difference of opinion of the two bodies while in joint session, who shall decide? And does not the Senate cease to be such while sitting with the House of Representatives in the same character?

These are some of the novel questions to be determined by the joint session.

Your committee, after mature deliberation, are of the opinion that each body, in acting upon the address, should maintain its separate organization. In their judgment the appropriate mode would be, and they recommend the appointment of a joint committee of the two Houses, to be composed of two from the Senate and three from the House, whose duty it

1865.

shall be to hear all the proof which shall be adduced in the case, cause the same to be reduced to writing, to be printed, and reported by them for the final action of the General Assembly, when the address is considered by that body. They recommend the adoption of the following resolutions:

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the resolution heretofore passed by this General Assembly, providing for a joint session of the two Houses to hear the evidence upon the trial of Judge Joshua F. Bullitt, be, and the same is hereby, repealed.

Resolved, That the report of the select committee, appointed March 4, 1865, in the case of Judge Joshua F. Bullitt, be received and acted upon by the two Houses in their respective chambers, the witnesses in the case to be examined in each House, and their testimony there to be taken down by a stenographer and printed. The case to take the usual legislative course, with the exception that it shall require two thirds, instead of a majority, to order the address.

Approved May 23, 1865.

No 80.

RESOLUTIONS on the death of Hon. Bradford L. Porter.

WHEREAS, It has pleased a Divine Providence to again invade our circle and remove from our midst Bradford L. Porter, late a member of this General Assembly; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That in the death of Bradford L. Porter society has lost a true-hearted Christian gentleman, our country has lost a patriot who has ever been true to her and her interest, and to his family is due our sympathies for the loss of an affectionate husband and father.

Resolved, That while we bow with humble submission to the fiat of Him who doeth all things well, we cannot but sorrow for the death of so good a man, and that we hereby tender to his family our heartfelt sympathies in this the time of their grief.

Resolved, That a copy of these resolutions be spread upon the Journal of the House, that the Clerk transmit a copy of the same to his family, and that, as a testimony of respect for the memory of Mr. Porter, the House be draped in mourning, and the members wear the usual badge of mourning for thirty days.

Resolved, That the House do now adjourn.

Approved May 25, 1865.

No. 81.

1865.

RESOLUTION authorizing the Adjutant General to procure an official seal.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Adjutant General be, and is hereby, empowered to procure and keep in his office an official seal, to evidence the authority of papers and documents issuing therefrom.

Approved May 25, 1865.

No. 82.

RESOLUTIONS touching the Murder of Abraham Lincoln, President of the United States.

In the murder of Abraham Lincoln, President of the United States, a great crime has been committed, whereby a great national calamity has occurred.

The nation justly abhors the crime and deeply deplores the calamity.

It is proper that all the people should condemn without reserve this tragic and terrible occurrence; wherefore,

The people of the State of Kentucky, through their Representatives in General Assembly here convened, declare in the most solemn manner their thorough condemnation of this atrocious and most wicked murder, and their sincere sorrow for that event which spreads gloom over the people of all the States, and amounts in the fullest sense to a national calamity.

Mr. Lincoln was called to and occupied the presidential chair at and during a time of great national difficulty, embarrassment, and danger.

In the administration of public affairs he exhibited high qualities of honesty, clemency, patriotism, and ability.

The judgment of mankind will accord to him an eminent place amongst the patriots and statesmen of the nation and the world.

Approved May 26, 1865.

No. 83.

RESOLUTION relating to slaves in the United States service from the State of Kentucky.

WHEREAS, By an act of Congress, approved February 24th, 1864, it is made the duty of the Secretary of War to appoint a commission in each of the States represented in Congress, charged to award to each loyal person to whom a colored volunteer may owe service a just compensation, not exceeding three hundred dollars; and whereas, there are many thousands of such volunteers in the United States service from this State, and no commission has been appointed for the State of Kentucky, in compliance with said act; therefore,

1865.

Resolved, That, in the opinion of this General Assembly, it is just and due to the people of this State, who have slaves in the United States service, that the Secretary of War should immediately appoint said commission.

Resolved, further, That the Governor of this Commonwealth be requested to forward a copy of these proceedings to the Secretary of War, and urge him to comply with the same.

Approved May 31, 1865.

No. 84.

RESOLUTION correcting error in enrolled bill for benefit of Clarke's Run and Salt River Turnpike Company, approved February 27, 1865.

WHEREAS, In the enrollment of the bill, entitled "An act to amend the charter of the Clarke's Run and Salt River Turnpike Company," approved February 27, 1865, the name of "Clarke's River," is used instead of "Clarke's Run;" therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That wherever "Clarke's River" appears in said bill, it shall read "Clarke's Run."

Approved May 31, 1865.

No. 85.

RESOLUTION requesting the President of the United States to relieve Kentucky from the operation of Martial Law.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the President of the United States be respectfully and earnestly requested to withdraw or rescind the proclamation or order of his late lamented predecessor by which this Commonwealth was placed under martial law.

2. *Resolved*, That the Governor of this Commonwealth be requested to forward a copy of these resolutions to the President of the United States.

Approved June 3, 1865.

No. 86.

RESOLUTION causing Gravestones to be erected over certain graves in the Frankfort Cemetery.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be instructed to draw his warrant on the Treasury in favor of Col. James H. Garrard and John N. Crutcher, for the sum of seven hundred dollars (\$700), to be expended by them (or so much of said sum as may be necessary) in erecting suitable head and foot-

stones over the graves of Governors Morehead and Scott, Hon. W. T. Barry, Bland Ballard and wife, and Senators Chiles and Buster, and report the same to the next General Assembly.

1865.

Approved June 3, 1865.

No. 87.

RESOLUTION in relation to a final adjournment of the Legislature.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That their adjournment on Monday next, at 8 o'clock, A. M., shall be *sine die*.

Approved June 3, 1865.

No. 88.

RESOLUTION directing the Publication and Distribution of the General Laws.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Public Printer, immediately after the adjournment of this Legislature, print in pamphlet form a sufficient number of the general laws passed at the present adjourned session as will furnish the Governor and each head of the Departments, the State Librarian, each Judge of the Court of Appeals, of the Circuit Court, and County Court, and the Clerk of said courts, the Attorney General, and each Commonwealth's and County Attorney, the Chancellor of the Louisville Chancery Court, each member of this General Assembly, one copy each of the same. He shall send them post-paid to the above named persons; the postage to be paid upon the warrant of the Auditor, upon the certificate of the printer as to the amount thereof.

2. This resolution to take effect from its passage.

Approved June 3, 1865.

No. 89.

ADDRESS to the Governor requesting him to remove from office Hon. Joshua F. Bullitt, one of the Judges of the Court of Appeals of this Commonwealth.

To the Governor of the Commonwealth of Kentucky:

The General Assembly of the Commonwealth of Kentucky (two thirds of the Senate and House of Representatives each concurring herein) request your Excellency to remove the Hon. Joshua F. Bullitt, one of the Judges of the Court of Appeals, from his said office, for the following reason: That the said Bullitt has vacated his office by absenting himself from the sittings of said court and from this State, and hav-

RESOLUTIONS.

1865.

ing taken up his residence within the territory of a foreign government.

Pursuant to the foregoing address, which is hereby approved, and in accordance with the requirements of the Constitution of Kentucky, Article IV, Section 3, I, Thomas E. Bramlette, Governor of the Commonwealth of Kentucky, do hereby remove Hon. Joshua F. Bullitt, one of the Judges of the Court of Appeals chosen for the third (3d) appellate district, from office, and do hereby order and declare the office of Judge of the Court of Appeals in and for the third appellate district of Kentucky vacated by the removal aforesaid of Hon. Joshua F. Bullitt, in accordance with the Constitution of Kentucky and pursuant to the address aforesaid of the General Assembly of the Commonwealth of Kentucky, two thirds of each House having concurred therein.

Given under my hand, at Executive Office, in the city of Frankfort, Kentucky, this, the 3d day of June, 1865.

THOS. E. BRAMLETTE,
Governor of Kentucky.

No. 90.

RESOLUTION, recommending Gen. Walter C. Whitaker for appointment in the regular army.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That in view of the distinguished services of Brig. General Walter C. Whitaker during the war to suppress the rebellion, we would most respectfully recommend him to the President of the United States for promotion to the position of Brigadier General in the regular army.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing to the President of the United States.

Approved June 3, 1865.

91.

RESOLUTION of welcome to General William T. Sherman.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Kentucky, cherishing a high admiration and approval of the talents and gallant services of Major General William T. Sherman, now hails with joy and cordial welcome his recent appointment to the command of the Southwest Military Division, of which she is a part.

2. That the Governor is respectfully requested to forward a copy of the above resolution to General Sherman.

Approved June 3, 1865

No. 92.

1865.

RESOLUTION appropriating Money to J. R. Buchanan.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts be directed to draw his warrant in favor of J. R. Buchanan for twenty-five dollars, his expenses in attending as a witness in the case of Judge Bullitt, to be paid out of any money in the Treasury not otherwise appropriated.

2. This resolution shall take effect from its passage.

Approved June 3, 1865.

No. 93.

RESOLUTION, authorizing the Adjutant General of Kentucky to charge fees in certain cases.

WHEREAS, By a joint resolution of the General Assembly, the Adjutant General of this State was allowed and directed to procure a seal for his office; and whereas, through an omission, no fee was allowed for attaching said seal to any official certificate; for remedy whereof,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Adjutant General of this State shall be allowed to charge and receive for every seal of office attached to any certificate or paper, or exemplification of any record of his office, or to any paper required to be certified under the seal of said office, a fee of one dollar and fifty cents, to be paid by the person procuring the same, except he shall charge no fee for any claim of any soldier in the service of the United States or of this State, or who may have been in the service of the same, or the representatives thereof, or to any paper necessary to authenticate any claim of this State against the United States.

Approved June 3, 1865

No. 94.

RESOLUTION authorizing the payment of the Boyd and Lawrence County Militia.

WHEREAS, The Governor of this Commonwealth, at the request of the commanding officer of the United States forces in Eastern Kentucky, did, in the month of May, 1864 (the emergency of the time requiring it), call into active service the 22d and 68th regiments of militia of the counties of Boyd and Lawrence; that said regiments thus called out served sixty-five days, and that they have been paid for only thirty days of said service; therefore, be it

1865.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Governor of this Commonwealth be authorized to pay, or cause to be paid, out of the military fund, to each soldier and officer of said regiments, whatever may be found due them for said service, upon a correct adjustment of their accounts, the pay of said allowances of soldiers and officers of the army of the United States to be the basis of said settlement.

Approved June 3, 1865.

No. 95.

RESOLUTION requesting the President to withdraw Negro Troops from the State of Kentucky.

WHEREAS, Negro soldiers that have been recruited in the State of Kentucky have been quartered in different parts of the State, much to the detriment of the citizens thereof, said troops committing many outrages upon the lives and property of citizens; and whereas, Kentucky is one of the loyal States of the Union, and therefore entitled to all the privileges and immunities of other loyal States; and there exists no necessity for the presence of said troops within the State; in fact, their presence is a source of great irritation to their former owners and the citizens generally; therefore,

Resolved, That the Governor be requested to respectfully request and earnestly urge the immediate removal of all negro troops from the State by the President of the United States; and that, for the necessary protection of the people, a sufficient number of white soldiers may be assigned for duty to this Commonwealth.

Approved June 3, 1865.

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LOCAL AND PRIVATE ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE ADJOURNED SESSION OF THE GENERAL ASSEMBLY (JANUARY, 1865) WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT, ON MONDAY, THE SEVENTH DAY OF DECEMBER, 1863.

THOS. E. BRAMLETTE, *Governor.*
R. T. JACOB, *Lieut. Governor and Speaker of the Senate.*
HARRISON TAYLOR, *Speaker of the House of Reps.*
E. L. VANWINKLE, *Secretary of State.*

CHAPTER 585.

AN ACT for the benefit of William T. Dudley, Clerk of the County Court of Fleming.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William T. Dudley, clerk of Fleming county court, may legally qualify as executor of his father, Wm. Dudley, deceased, any law of this Commonwealth to the contrary notwithstanding.

§ 2. That this act shall take effect from its passage.

H. TAYLOR,
Speaker of the House of Representatives.
J. B. BRUNER,
Speaker of the Senate pro tem.

Approved January 11, 1865.

THOS. E. BRAMLETTE.

By the Governor:
E. L. VANWINKLE, *Secretary of State.*

1865.

1865.

CHAPTER 586.

AN ACT for the benefit of the Trigg Academy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of an act, entitled "An act to modify the charter of the Trigg Academy," approved February 13, 1858, be, and the same is hereby, repealed.

§ 2. That James E. Thompson, Lunsford Lindsay, Robert D. Baker, William C. Russel, and J. H. Miller, of the county of Trigg, and their successors, be, and they are hereby, constituted a board of trustees for said academy, with all the rights, powers, and privileges conferred by said act, approved February 13, 1858, upon the trustees therein provided for. A vacancy occurring in said board shall be filled by the majority thereof.

§ 3. This act shall take effect from its passage.

Approved January 11, 1865.

CHAPTER 587.

AN ACT to change the time of holding the Casey Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the Casey circuit court shall commence its sessions on the first Mondays of March and September of each year; and may continue in session at each term six juridical days, if the business of the court shall require it.

§ 2. That all suits and proceedings and process shall stand for trial at the terms of the court as changed.

§ 3. This act to take effect from its passage.

Approved January 13, 1865.

CHAPTER 589.

AN ACT for the benefit of the Marshal of Poplar Plains.

WHEREAS, Doubt exists as to the legality of the official acts of Joseph Throup, the present acting marshal of Poplar Plains, in consequence of his election having occurred at a time different from that prescribed by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the official acts of said marshal, heretofore performed, and hereafter discharged by him during his exercise of said office, be, and are hereby, declared as legal as though his election and qualification had occurred at the time prescribed by law.

§ 2. That an election for marshal of said town shall be held, as now prescribed by law, on the first Monday in April, 1866, and each succeeding two years on the same day. 1865.

§ 3. That this act shall take effect from its passage.

Approved January 13, 1865.

CHAPTER 590.

AN ACT incorporating a Hotel Company in Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. B. Hamilton, H. D. Newcomb, Z. M. Sherley, John B. Smith, S. B. Weisiger, B. F. Guthrie, J. M. Duncan, and those that they may associate with them, and their successors and assigns, shall be, and they are hereby, created a body-politic and corporate forever, by the name of the president and managers of the _____ Hotel Company; with power and authority to contract and be contracted with, sue and be sued, plead and be impleaded, as natural persons in all the courts and places whatever, and have and use a common seal; also to purchase and hold in fee or by lease the necessary lot or lots in Louisville, Kentucky, for a large and convenient hotel, and such other lots as they may require for stables, carriage-houses, and other accessory buildings; and all such goods and chattels as may be necessary in the construction and in furnishing said hotel; and it shall be lawful to build one or more stores in connection with the hotel or other buildings; but they shall not issue or circulate promissory notes as money, or engage in the business of banking or brokerage.

Corporators' names, and corporate powers.

§ 2. The capital of the corporation shall not exceed \$1,000,000, and shall be divided into shares of \$500 each; the shares shall be personal estate, and be transferable on the books of the company according to the by-laws of the corporation, and each share shall entitle the holder to one vote at all elections of officers and all meetings of the stockholders.

Capital stock.

§ 3. The persons named in the first section of this act shall be the first directors of the company, and shall choose one of the body president, and shall by the by-laws provide for annual elections of directors after the first two years.

Directors and President.

§ 4. If any of the persons named shall not subscribe, they shall cease to be directors; and none but stockholders shall be either president or director of the company.

None but stockholders to be Directors.

§ 5. The persons named in this act shall act as commissioners to receive subscriptions to the stock of the com-

Commissioners to receive stock.

1865.

pany, and the subscription shall fix the time and manner of paying for the stock, and what failure shall authorize a forfeiture of the stock for not complying with the terms on which it was subscribed.

Name of hotel
to be fixed.

§ 6. The president and directors are hereby authorized, by order of the board, to fix the name of the hotel hereby incorporated, and also to change the same to some other name; and by whatever name they assume, by that name they may sue and be sued, and hold and exercise all corporate privileges according to the terms of this charter.

May borrow
money.

§ 7. The corporation shall have the right to borrow on its credit an amount not exceeding the capital stock, and secure the same by mortgage on the hotel at such rate of interest and at such time as the president and directors think proper, payable half yearly.

May make by-
laws.

§ 8. The president and directors shall have power to make by-laws for the government of the corporation, and amend and change the same: *Provided*, Such by-laws shall not be in contravention of the constitution and laws of this State.

County courts,
&c., may take
stock.

§ 9. Any county court or corporation in this State may subscribe stock in this corporation; a majority of all the justices of any county court or a majority of the council or directors of any corporation agreeing thereto.

§ 10. This act to take effect from its passage.

Approved January 13, 1865.

CHAPTER 591.

AN ACT for the relief of the Maysville and Lexington Turnpike Road Company.

WHEREAS, It has been represented to the present General Assembly, that during the present rebellion all the bridges on the Maysville and Lexington turnpike road, between the city of Maysville and the town of Millersburg, and one of the bridges between Paris and Lexington, have been burned by the public enemy, and that said company may be liable to the penalties and forfeitures imposed by law for failing to keep their road in repair in this respect; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said company be, and they are hereby, relieved from all the penalties and forfeitures heretofore, or which may hereafter be incurred, now imposed by law upon them for failing to keep their road in repair, so far as the destruction of said bridges may render said road impassable or out of repair.

§ 2. This act shall take effect from and after its passage, and remain in force one year.

Approved January 14, 1865.

CHAPTER 592.

1865.

AN ACT for the benefit of Pulaski County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of Pulaski county to lay the county levy, for the years 1865 and 1866, at any amount not exceeding two dollars on each poll, for the purpose of satisfying any claims against the county and defraying the ordinary expenses.

§ 2. This act shall take effect from and after its passage.

Approved January 16, 1865.

CHAPTER 593.

AN ACT to incorporate the First Baptist Church of Lexington, Fayette county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wesley Spencer, J. W. Appleton, and Edward Cronley, and their successors, be, and are hereby, created a body politic and corporate, by the name and style of "The Trustees of the First Baptist Church of Lexington, Fayette county, Kentucky," and by said name shall have perpetual succession, and in their corporate name have power to buy, to take by devise or bequest, or by gift or by deed, any real estate not exceeding the amount allowed by law to churches, and any personal property, and to hold, convey, and otherwise dispose of the same, with all the powers incident to religious corporations, and shall sue, plead, and be impleaded, so far as may be necessary to protect the property and rights of said church, and to hold and employ the property so acquired and held by them, and dispose of it and make contracts about it, solely for the use and purpose of carrying out and promoting the religious interest of said church.

§ 2. In case there should be a vacancy in the trustees of said church, they shall have the authority to fill the vacancy by a majority of the votes of her members.

§ 3. This act to take effect from and after its passage.

Approved January 16, 1865.

CHAPTER 594.

AN ACT to incorporate the Great Kentucky Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John M. Rice, John M. Dunlap, Ross Forward, and John A. Owens, and their successors and assigns, Corporators' names and corporate powers.

LAWS OF KENTUCKY.

1865.

are hereby created a body politic and corporate, under the name and style of the "Great Kentucky Oil Company," and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of competent jurisdiction in this Commonwealth. They may have a common seal, and may alter or amend the same at pleasure; they may make all necessary by-laws and regulations for the government of said company not inconsistent with the laws of Kentucky or of the United States.

Who to con-
duct business.

§ 2. Said company shall have power and authority to appoint any one or more of its members, or other person or persons, to manage, control, and direct the business of said company according to the by-laws, rules, and regulations which may, from time to time, be adopted by said company for its government and the transaction of its business.

Capital stock.

§ 3. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into fifty thousand shares of ten dollars each, which may be subscribed and paid for in such manner as may be prescribed by said company in its by-laws; and said stock may be transferred in such manner as said company by its by-laws may direct.

Names and
number of
shares to be
kept in book.

§ 4. That said company, when fully organized, shall cause a book to be opened and kept, subject to the inspection of any member of said company, which shall contain the names of all the members, and the number of shares owned by each; and the members thereof shall share the profits and liabilities of said company to the extent of, and in proportion to, the amount of stock owned by them in said company.

May hold real
estate, &c.

§ 5. Said company shall have power to hold such real estate in the State of Kentucky, by purchase or lease, or otherwise, as it may deem necessary and proper for carrying on the business of mining or boring for petroleum or rock oil, and also boats, engines, buildings, and such machinery as may be necessary for transporting said product to market, with power to sell and convey such materials and estate at pleasure.

§ 6. This act shall take effect from and after its passage.

Approved January 17, 1865.

LAWS OF KENTUCKY.

CHAPTER 595.

1865.

AN ACT to incorporate Manna Lodge, No. 55, Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Daniel G. Brumback, Joseph Jones, and Wm. L. Wallin, and their associates, be, and they are hereby, created a body corporate, by the name and style of Manna Lodge, No. 55, of the Independent Order of Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure, provided they be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds.

§ 2. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

§ 3. This act shall take effect from its passage.

Approved January 17, 1865.

CHAPTER 596.

AN ACT to incorporate the Hopkins Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jno. P. Campbell, jr., Hiram A. Phelps, E. M. Buckner, W. E. Price, and John C. Latham, are created a body corporate, able, by their common consent, to receive and grant anything in law within the compass of their chartered privileges, and to be denominated the "Hopkins Petroleum Company;" with the privilege and purpose of boring petroleum and mining coal upon any lands which they have or may possess and acquire, either by purchase or lease, in the State of Kentucky, and reducing the oil to burning fluid, paraffine, asphaltum, and to all its uses;

Corporators' names, and corporate powers.

1865.

trading in oil in its crude or refined state, and to mine and sell coal, and trading in oil and coal, and shipping them to foreign and domestic ports; lay conduct pipes, and construct a railroad from their wells to a navigable river or a railroad now constructed or to be constructed, and make connections and turn-outs for their purposes, &c.; they, and their associates and successors, shall continue and have succession for an indefinite period, and by that name and style are hereby made as capable in law as individual citizens to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; also, shall have the power to purchase or lease and hold real estate for the purposes aforesaid, and to sell or lease any part they may desire by deed or other conveyance; to borrow money for the benefit of said company, not exceeding one half the estimated value of the realty proposed to be hypothecated, at a rate of interest not exceeding eight per centum per annum; but not to have or exercise the privilege of loaning money or issuing bills or notes upon banking principles; also, after the company be organized, shall have the power to ordain and establish such by-laws, ordinances, and regulations as shall be necessary for the well-being and government of said corporation, and not contrary to the laws of this State or of the United States.

Capital stock. § 2. That the capital stock be one million dollars, divided into shares of one hundred dollars each.

Regulation of stock. § 3. That the president and directors shall regulate the proportion of stock which may be issued to each member on application.

President and other officers to be elected. § 4. That the corporation, or a majority of them, shall hold a meeting, after the passage of this act, for the purpose of organizing, by the election of a president, vice president, secretary, and treasurer, these officers to constitute a board of directors, and to hold their offices for one year, or until their successors are elected; and at the expiration of each year an election for said officers, to be held in the place where the office for the transacting their business shall be located; notice of the time and place of holding said election shall be given, by publication in some newspaper thirty days before said election, for one week; each stockholder shall have one vote for every share he or she may own; and any stockholder may vote by proxy, such proxy authorized in writing.

Secretary to report at annual meetings. § 5. That at every annual meeting it shall be the duty of the secretary to report, in writing, the financial condition of the corporation, its acts and doings, and at all times to have his books ready for inspection by the board of directors; and also, at said meetings, to declare the

dividends, &c., directing the treasurer to settle and pay the same in conformity with his report; and further, that dividends may be declared oftener, if ordered by the board of directors, that the treasurer is at all times authorized to deposit the money of the company in such bank as the directors may designate.

1865.

Dividends to be declared.

§ 6. That nothing in this act shall be so construed as to confer banking privileges to this company; and the Legislature reserves the power to alter, amend, or repeal this charter at pleasure.

No banking powers.

§ 7. The principal office of said corporation shall be located in this State.

§ 8. This act to take effect from the time of its passage.

Approved January 17, 1865.

CHAPTER 597.

AN ACT to incorporate the Franklin Hotel Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body corporate and politic, in the town of Franklin, Simpson county, Kentucky, be hereby created, to be styled the "Franklin Hotel Company," with a capital stock of twenty thousand dollars, divided into shares of fifty dollars each, with the power of contracting and being contracted with, of suing and being sued by and in the corporate name aforesaid, and to have all the powers necessary and incident to corporations of like character.

Name and style and capital stock.

§ 2. That said company shall be authorized to purchase and hold, in said town, not exceeding two (2) acres of ground, and erect thereon, and in said town, the necessary and proper buildings for a hotel, and to purchase and hold all such personal property as may be proper in the management and conducting of said hotel, and the same to sell and dispose of at any time and make other and similar purchases and sales.

May purchase land and erect buildings.

§ 3. That the prudential and fiscal affairs of said company, and the management and control of its property, shall be vested in a president and four managers, to be elected by the stockholders on the first Monday in May in each year after the first election, each share giving to the holder thereof one vote.

Who to manage affairs of corporation.

§ 4. That said company may appropriate or lease out any room or rooms of said hotel buildings for store-rooms or other purposes.

May rent store rooms.

§ 5. That Robert D. Salmons, Wm. T. Copeland, Geo. H. Milliken, J. W. McClanahan, H. G. Harris, and S. G. Moore be appointed commissioners; and they or any two of them may, at any time in ten years, open books for the

Commissioners to open books.

1865.

subscription of stock in said company, and whenever the subscription amounts to ten thousand dollars said commissioners, or any two (2) of them, may, by notice posted in said town for the period of ten days, designating time and place, call a meeting of the stockholders to elect, and said stockholders may then elect a president and four managers, all of whom shall be stockholders, and upon said election being held and made, then this act shall take effect.

How stock to
be paid.

§ 6. The subscribed stock shall be due and payable at such times and in such amounts as the president and managers may direct, not exceeding 20 per cent. per month.

How long books
to be kept
open.

§ 7. The president and managers may cause the books of subscription of said company to be kept open until the whole amount and balance of stock is subscribed, or they may sell and dispose of the balance and unsubscribed stock.

May purchase
timbered land.

§ 8. Said president and managers shall be authorized, if consented to by a majority of the stockholders, to purchase and hold not exceeding ten (10) acres of timbered land, convenient to said town, and may sell the same, if likewise consented to.

Hotel to be
built in town.

§ 9. Said hotel shall be built in said town at a place to be designated and agreed upon by a majority of the stockholders.

Treasurer and
Secretary.

§ 10. The president and managers shall appoint a treasurer and secretary for said company, and take bond of the treasurer, with good surety, for the faithful performance of his duties, both of whose terms of service shall be at the pleasure of the president and managers; and the president and managers shall have power to make by-laws for the government of said officers and the affairs of said company, prudential and financial, and shall cause annual statements to be made out showing the financial condition of said company, which shall be filed with the secretary for examination by the stockholders.

Certificates of
stock to be is-
sued.

§ 11. Certificates of stock shall be issued to each stockholder so soon as his stock is paid in, and so soon as said certificate may be required and signed by the president and secretary; said certificates of stock may be transferred from one owner to another, or their representatives, by written indorsement on the back thereof, and proper entries upon the stock book of the company.

Dividends.

§ 12. Dividends may be declared from time to time, in the discretion of the president and managers.

May coerce
payment of
stock.

§ 13. The president and managers shall have power, by the usual proceedings of law, to coerce the payment of any arrears in subscriptions of stock; and said president and managers may forfeit the stock of any person who fails or refuses to pay the calls due on his subscribed stock

after ten days' notice and demand of such call of the subscriber; nor shall any stockholder, in any meeting of the stockholders, have any vote so long as he is in arrears of the calls made by the president and managers, nor when his stock has been declared forfeited.

1865.

§ 14. The president and managers, by consent of the stockholders or a majority thereof, may borrow money not exceeding five thousand (\$5,000) dollars, if said amount be needed or required in erecting and finishing said hotel buildings, in consequence of failing to have the whole of the twenty thousand dollars stock taken and subscribed, and said president and managers may secure the repayment of such borrowed sum or sums by mortgage or deed of trust upon the property, rights, and privileges of the corporation.

May borrow money.

§ 15. This act to take effect from and after its passage.

Approved January 17, 1865.

CHAPTER 598.

AN ACT to incorporate the Webster Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jno. P. Glass, Jas. W. Campbell, Jno. H. Van Culen, Jas. M. Glass, Will. T. Buckner, and Jno. P. Campbell, jr., are created a body corporate, able, by their common consent, to receive and grant anything in law within the compass of their chartered privileges, and to be denominated the "Webster Petroleum Company," with the privilege and purpose of boring petroleum and mining coal upon any lands they have or may possess and acquire, either by purchase or lease, in the State of Kentucky, and reducing the oil to burning fluid, paraffine, asphaltum, and to all its uses, trading in oil in its crude or refined state, and to mine and sell coal, and trading in oil and coal, and shipping them to foreign and domestic ports; lay conduct pipes and construct a railroad from their wells to a navigable river or a railroad now constructed or to be constructed, and make connections and turn-outs for their purposes, &c. They and their associates and successors shall continue and have succession for an indefinite period, and by that name and style are hereby made as capable in law as individual citizens to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; also, shall have the power to purchase or lease and hold real estate for the purposes aforesaid, and to sell or lease any part they may desire, lease or other convey-

! Corporators' names, and corporate powers.

1865.

ance; to borrow money for the benefit of said company, not exceeding one half the estimated value of the realty proposed to be hypothecated, at a rate of interest not exceeding eight per centum per annum; but not to have or exercise the privilege of loaning money or issuing bills or notes upon banking principles; also, after the company be organized, shall have the power to ordain and establish such by-laws, ordinances, and regulations as shall be necessary for the well-being and government of said corporation, and not contrary to the laws of this State or of the United States.

Capital stock. § 2. That the capital stock shall not exceed two million dollars, divided into shares of one hundred dollars each.

Stock to be regulated. § 3. That the president and directors shall regulate the proportion of stock which may be issued to each member on application.

Officers to be elected. § 4. That the corporation, or a majority of them, shall hold a meeting, after the passage of this act, for the purpose of organizing, by the election of a president, vice president, secretary, and treasurer, these officers to constitute a board of directors, and to hold their offices for one year, or until their successors are elected; and, at the expiration of each year, an election shall be held for said officers, at the place where said company shall have for transacting their business, said election to be held in the office of said company. Notice of the time and place of holding said election shall be given by publication in some newspaper thirty days before said election, for one week. Each stockholder shall have one vote for each share he or she may own, and any stockholder may vote by proxy, such proxy made in writing.

Secretary to make report. § 5. That at every annual election, it shall be the duty of the secretary to report, in writing, the financial condition of the corporation, its acts and doings, and at all times to have, his books ready for inspection by the board of directors; and also, at the said meetings, to declare the dividends, &c., directing the treasurer to settle and pay the same in conformity with his report; and further, that dividends may be declared oftener, if so ordered by the directors; that the treasurer is at all times authorized to deposit the money in such bank as the directors may order.

No banking powers. § 6. That nothing in this act shall be construed as to give or confer banking privileges to the company; and the Legislature reserves the right to alter, amend, or repeal this charter at pleasure.

§ 7. This act to take effect from the time of its passage.

Approved January 17, 1865.

CHAPTER 599.

1865.

AN ACT to incorporate the Salt River Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. D. Guthrie, Vene P. Armstrong, Joseph W. Mitchell, Isaac Wolf, B. F. Guthrie, and S. E. Sheets, are created a body corporate, able, by their common consent, to receive and grant in law anything within the compass of their chartered franchises and privileges, and to be denominated the Salt River Petroleum Company, with the privilege and purpose of boring petroleum and salt wells, and exploring for minerals on any lands which they have in Hardin and Meade counties, or any other counties in which they may acquire lands, either by purchase or lease, and reducing the oil to burning fluid, paraffine, asphaltum, and to all its uses; trading in oil in its crude or refined state, and to mine and sell coal or other minerals, and making and trading in salt, and shipping it to foreign or domestic ports; lay conduct pipes and construct railroads from their wells to a navigable river or a railroad now constructed or to be constructed, and make connections and turn-outs for their purposes, &c. They and their associates and successors shall continue and have succession for an indefinite period, and by that name and style are hereby made as capable in law as individual citizens to contract and be contracted with, to sue and be sued, to plead and be impleaded in this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; also shall have the power to purchase or lease and hold real estate for the purposes aforesaid, and to sell or lease any part they may desire, by deed or other conveyance; also, after the company is organized, shall have the power to ordain and establish such by-laws, ordinances, and regulations as shall be necessary for the well-being and government of said corporation, and not contrary to the laws of this State or of the United States.

Corporators' names, and corporate powers.

§ 2. That the capital stock of this company be five hundred thousand dollars (\$500,000), divided into shares of ten dollars (\$10) each, which may be increased or diminished as the president and directors may determine.

Capital stock.

§ 3. That the president and directors shall regulate the proportion of stock which may issue to each member on application.

Stock to be regulated.

§ 4. That the corporation, or a majority of them, shall hold a meeting as soon after the passage of this act as convenient, for the purpose of organizing, by the election of a president, vice president, secretary, treasurer, and three others, making seven, which shall constitute a board of directors, a majority of whom shall constitute a quorum for the transaction of business, and to hold their offices for

Officers to be elected—how and when.

1865.

one year, or until others are elected ; and at the expiration of each year, an election for said officers, to be held in the city of Louisville, where the office for the transaction of their business should be located, and notice to be given in one or more newspapers published in the city of Louisville, of the time and place of holding said election, for one week ; and each stockholder shall have a vote for every share he or she may own ; and any stockholder not present at any such meeting or election may vote by proxy, such proxy being a stockholder, attending such meeting or election, and presenting his authority from his principal, duly authenticated by two witnesses subscribing to his or her name under seal.

Secretary to
make annual
report.

§ 5. That at every annual meeting it shall be the duty of the secretary to report in writing the financial condition of the corporation, its acts and doings, and at all times to have his books ready for inspection by the board of directors ; and also, at said meeting, to declare the dividends, &c., directing the treasurer to settle and pay the same in conformity with the report ; and further, that dividends may be declared and paid to stockholders half yearly, quarterly, or whenever the directors shall order. That the treasurer is at all times authorized to deposit money belonging to the corporation in any good and solvent bank in the city of Louisville, at the risk of the corporation and stockholders.

No banking
powers.

§ 6. That nothing in this act shall be so construed as to confer banking privileges or powers to this company ; the General Assembly reserves the right to alter, amend, or repeal this charter at any time.

§ 7. This act shall take effect from and after its passage.

Approved January 17, 1865.

CHAPTER 600.

AN ACT to incorporate the Kentucky Coal, Oil, Salt, and Lumber Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky,

Corporators'
names, and
corporate pow-
ers.

§ 1. That Leslie Combs, A. G. Gower, John G. Eve, James F. Drake, John Martin, and Thomas Metcalfe, and their associates and successors, be, and they are hereby, created a body politic and corporate, by the name and style of the "Kentucky Coal, Oil, Salt, and Lumber Company," and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places ; have a common seal, and alter and break the same at pleasure ; may make all necessary by-laws for the transaction of the business and government of said company, not incon-

sistent with the Constitution and laws of this State or of the United States. 1865.

§ 2. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, which shall be divided into shares, subscribed and paid for in such manner as said company may, by its by-laws, prescribe. Capital stock.

§ 3. That said company shall have power to appoint any one or more of its members, or other persons, to manage, control, and direct the business of said company, according to the by-laws, rules, and regulations which said company may adopt. Who to conduct business.

§ 4. That said company may acquire and hold such real and personal estate, by contract, as they may deem necessary or proper for the carrying on the mining of coal, the procuring and manufacture of salt, oil, and lumber, and the transportation thereof to market, together with such quantities of land as may be necessary for the establishment of mills and landings, machinery, and depots for the same; and if such lands cannot be so procured, said company may have the same condemned, by filing its petition for that purpose with the clerk of the county court of the county in which it is situated, and obtaining therein the necessary writs of *ad quod damnum*, and procuring the regular condemnation thereof, as required by law in the condemnation of lands for the use of turnpike roads: *Provided, however,* That no property shall be so taken without the value thereof having been first paid. May hold real estate, and condemn land.

§ 5. The said company, when fully organized, shall cause a book to be opened, and kept subject to the inspection of any member of said company, which shall contain the names of all the members of said company, and the number of shares owned by each; and the said shares may be transferred on said books in the manner to be prescribed by the by-laws of said company; and each member shall share the profits and liabilities of said company to the extent of, and in proportion to, the amount of capital stock he owns in said company. Names of stockholders, and number of shares to be kept in book.

§ 6. The Legislature reserves the right to repeal or alter this charter at will. Nothing contained in this charter shall be construed into conferring banking powers upon this company.

§ 7. This act to take effect from its passage, and remain in force twenty years, unless sooner repealed by the General Assembly.

Approved January 17, 1865.

1865.

CHAPTER 601.

AN ACT to incorporate the Greasy Creek and Poplar Mountain Oil, Mining, Manufacturing, Lumber, and Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and
corporate pow-
ers.

§ 1. That A. H. Sneed, jr., and William R. Boyse, of the county of Boyle, and Richard M. Robinson, of the county of Garrard, be, and the same are hereby, appointed commissioners to open books for the subscription of stock to a company known and designated as the "Greasy Creek and Poplar Mountain Oil, Mining, Manufacturing, Lumber, and Transportation Company," the object of which is to develop the mineral and other resources of that portion of the State of Kentucky watered by the Cumberland river and its tributaries, and transport the products to an eligible market; and the said company is hereby declared a body politic and corporate; and they may have perpetual succession; may sue and be sued, plead and be impleaded, contract and be contracted with; may have and use a common seal; may purchase, hold, and convey any real or personal estate necessary for the purpose of carrying on the business of said company, and may make such rules and regulations for the government of their own affairs as they may think proper, not inconsistent with the laws of the State or of the United States.

Capital stock.

§ 2. The capital stock of said company shall consist of one hundred thousand shares, of fifty dollars each, which may be increased or raised by the company to two hundred thousand shares, of fifty dollars each; and it is further provided that the company may receive lands, coal mines, and oil wells or privileges, to constitute a part or the whole of the capital stock of said company, on such terms as may be agreed upon by the owners of such lands, &c., and the company; and the shares of the same shall be deemed personal property, and may be transferred upon the books of the company.

Business of
corporation.

§ 3. The business of the company shall be the development of the oil, coal, zinc, iron, and other mineral resources of the Cumberland river and its tributaries, and the manufacture of lumber and other productions of the country, and the transportation of the raw materials or manufactured articles to market; and to this end, the company may purchase, construct, and own wharves and landings upon the Cumberland river and its tributaries; may improve the navigation of the Cumberland river below the mouth of Greasy creek, including same, by dams, locks, or otherwise, subject to the control of the Board of Internal Improvement of the State; and, when the improvements are completed, may charge the same rates of toll as are charged on the Kentucky river for similar im-

1865.

provements; may construct boat-yards and build boats of any description; may erect furnaces, iron and zinc works, machine shops, oil refineries, salt works, mills, and general manufacturing establishments; may construct turnpikes and railroads to and from any of the company's works or depots to any points within the State of Kentucky where the company may wish to deliver its raw materials or manufactured articles; and, when completed, may charge such rates of toll per capita and per ton as may be charged on the Danville and Hustonville turnpike road and on the Louisville and Nashville railroad.

§ 4. As soon as six hundred shares as aforesaid shall be subscribed, the stockholders, or their authorized representatives or proxies, may hold a meeting, at such time and place as may be designated by the aforementioned commissioners; and they shall proceed to elect a president and six directors, whose duty it shall be to conduct the business of the company; and the stockholders shall elect their president and board of directors annually, on the first Thursday of November, at such place as the board of directors may designate, upon giving thirty days' notice preceding the election in the leading paper published in the town or city in which the company's principal office is situated; and they shall enter upon their term of office the first of the ensuing January, provided that the first board shall be elected for the unexpired term of the current year; and the board shall have power to appoint a secretary, treasurer, and such other officers and employes as they may deem necessary for the proper transaction of the company's business. Each shareholder shall be entitled to one vote for each share of stock held by him; and a dividend shall be declared annually on the secretary's books, on such day as may be designated by the board of directors, or more frequently, as the board may decide, which books shall be open at all times to the inspection of the stockholders; and the company's principal office may be located, at the option of the company, outside the State of Kentucky.

President, &c.
to be elected.

Secretary, &c.,
to be appointed.

§ 5. No person shall be eligible to the office of president, treasurer, or director, who is not a stockholder, and any such officer shall vacate his office on ceasing to be one; and the president and directors have the power to fill by appointment any vacancies occurring in their own body; and if, from any cause, an election shall not have been held on the first Thursday of November, the president and directors may order an election on any other day, after giving ten days' notice of the same to the stockholders.

Officers to be
stockholders.

§ 6. Nothing in this charter shall be construed into conferring banking privileges upon this company.

1865.

§ 7. The General Assembly of the State reserves the right to amend or repeal this charter at pleasure.

§ 8. This act to take effect from its passage.

Approved January 18, 1865.

CHAPTER 602.

AN ACT to incorporate the Petroleum Fire and Marine Insurance Company of Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That Colonel James Taylor, G. F. Haymon, F. M. Webster, J. T. Maphet, Charles Wetzel, G. R. Fearons, D. L. Clephane, Henry Ahlring, and Jacob Hawthorn, or such of them as shall act, together with those who may hereafter become stockholders under this charter, be, and are hereby, created a body politic and corporate, with perpetual succession, by the name and style of the "Petroleum Fire and Marine Insurance Company," and by that name are hereby made capable in law to contract and be contracted with, and to sue and be sued, in all the courts and places of this Commonwealth or elsewhere; with full authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of all such real estate and personal property as the board shall deem necessary and convenient for the transaction of its business and benefit of the company, for the security or payment of any debt due or owing to the same, or in satisfaction of any judgment, or any order or decree of a court in their favor; and to make and use a common seal, and the same to alter and renew at pleasure, and generally to exercise all powers incident to such corporations and not inconsistent with this charter.

Capital stock,

§ 2. That the capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of twenty-five dollars each; and no subscription of stock shall be deemed accepted or binding on the commissioners or company until there shall be paid to said company, by each subscriber to the capital stock, an installment of not less than ten per cent. on the stock by him as the acting commissioners herein or the board may fix on; and the remainder shall be amply secured to be paid by indorsed notes payable on demand or otherwise on property, bonds, or stocks, to be approved by the said acting commissioners or by the president and directors for the time being; the said security shall, from time to time, be renewed whenever the board of directors shall deem it necessary and proper; and they may, whenever found necessary by the board, make calls on the stockholders

1865.

under the rules of the company for payment of not more than twenty per cent. at a time of the stock subscribed; and any stockholder neglecting or refusing to renew his security as aforesaid, or failing or refusing to pay the calls upon his subscription of stock in thirty days after being notified or required to do so, shall be liable to suit by the company therefor with ten per cent. damages thereon, or the stock of such delinquent may be sold and the proceeds applied to the payment of the call and ten per cent. thereon and costs of the sale, which sale and proceedings shall be under such rules and by-laws as may have been previously adopted by the board.

§ 3. That the stock, property, and affairs of said corporation shall be managed and conducted by nine directors, all of whom shall be stockholders, to be elected by the stockholders; a meeting for the first elected directors shall be held by the acting commissioners aforesaid, within thirty days after two thousand shares of stock shall be subscribed, and on the second Monday in each and every year thereafter; the vote shall be by ballot, and nine directors shall be chosen from among the stockholders; each share to the number of twenty shall be entitled to one vote, and every ten shares in addition shall entitle the holder to one additional vote; but no person who is not a resident of this State shall be a director, and shares may be voted upon by the executor or administrator of the deceased owner, and also by proxy; immediately after every election the board elect shall choose by ballot a president from among themselves. In case of death or disability of the president, the directors shall fill the vacancy by ballot as before; and in case of a vacancy in the board of directors, it shall be filled by the remaining directors from the stockholders for the remainder of the year. After the first election the directors shall hold their offices for one year, and until their successors are elected and qualified.

Who to conduct business, and how appointed.

§ 4. That so soon as two thousand shares are subscribed for and paid or secured to be paid, the company shall be competent to transact all kinds of business for which it is established for.

When to commence business.

§ 5. That it shall be the duty of the directors on organizing the company, and annually thereafter, to choose by ballot a secretary and a treasurer, and at all times they shall have power to appoint such agents and officers, and at such places as they shall deem necessary for transacting any of the business of said company, and to allow them compensation, and to require and take bond and security for the faithful discharge of their respective duties and trusts.

Secretary and other officers to be appointed.

§ 6. That said company shall have power to make insurance upon vessels, freight, goods, wares, and merchan-

May make insurance, &c..

1865.

dise, and to make all and every insurance connected with marine risks, and the risks of transportation and inland navigation; to make insurance upon stores, dwelling-houses, and all kinds of buildings, upon household furniture, and all manner of property, against loss or damage by fire, and to cause themselves to be reinsured when deemed expedient, and at such rates as may be agreed upon.

Stock, how transferred.

§ 7. Transfers of stock may be made by any stockholder by himself, or attorney in fact or agent, subject to such restrictions, rules, and regulations as the board of directors may, from time to time, make and establish.

General meetings.

§ 8. That the president and directors may call a general meeting of the stockholders for any purpose relative to the affairs of the company, giving at least ten days' notice thereof in some newspaper circulating in Campbell county, and such other mode as the board of directors may adopt.

May invest capital.

§ 9. It shall be lawful for said company to invest any of their capital stock, money, or other property, in such way as the directors shall deem best and most advantageous, and may dispose of any or all interest which the said company may have acquired by said instrument: *Provided*, That it shall not be lawful for said company to issue or emit any bills of credit as a circulating medium, or in any manner engage in the business or operations of banking. The president and directors shall have power to make rules and by-laws and ordinances to govern the corporation and its affairs, and may repeal, alter, or amend them. The president and four directors, or five directors without the president, one of whom shall be chosen president for the time being, shall constitute a quorum to do business.

Corporation not dissolved if election is not held at regular time.

§ 10. That should any election, directed to be held under the charter of this company, from any cause, not be held on the day designated, or be held on a subsequent day, the corporation shall not on that account be dissolved; but, any or all elections held in good faith, by order of the board of directors, shall be as valid as if held on the day designated for the annual election herein.

Seal on policies, &c., not necessary.

§ 11. That all policies or contracts of insurance that may be entered into by said company, may be made either under or without the seal thereof, and shall be subscribed by the president, and by such other officer or officers as may be designated by the board or rules thereof for that purpose; and being so subscribed and attested, shall be obligatory upon the said company and the contracting parties, according to the tenor, intent, and meaning of this act.

Who to receive subscriptions of stock.

§ 12. That the individuals named in the first section of this act, or a majority of them who shall act, shall receive subscriptions to the capital stock of this company, and open books for that purpose at such times and places as

they may appoint, and upon such public notice as they shall deem best; and shall receive all money paid by the subscribers to said stock before the organization of the company, and hold the same until the election of the first board of directors, when they shall dispose of it as said board may direct. Books may be opened for the subscription of stock, from time to time, by order of the board.

1865.

§ 13. This act to take effect from and after its passage; and the Legislature reserves the right to repeal, alter, or amend this charter at pleasure.

Approved January 17, 1865.

CHAPTER 606.

AN ACT to amend the Charter of the Eminence Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Eminence Cemetery Company, approved 27th of February, 1860, be, and is hereby, so amended as to give to the trustees of said company the privilege of acquiring, for the purposes stated in the original bill, twenty acres of land, instead of the number which by law it is now restricted.

§ 2. *And be it further enacted,* That hereafter it shall and may be lawful for said company to select its trustees either from the counties of Henry or Shelby, or from both, as they may designate.

§ 3. This act to be in force from and after its passage.

Approved January 17, 1865.

CHAPTER 607.

AN ACT empowering the Mason county court to levy and collect a local county fund for certain volunteers enlisted in the Federal Army in said county.

WHEREAS, It is represented to this General Assembly that the levy court or court of claims for Mason county, with the concurrence of all the justices of the peace for said county except two, one of whom was absent, by its recorded proceedings offered a local bounty for volunteers to fill the quota of said county under the recent call of the President of the United States for 500,000 more troops for the Army of the United States; and that, under such offer, volunteers were obtained to fill said quota; now, therefore, for the purpose of providing a fund to pay said bounty, and to reimburse those persons that may have advanced said bounty to the volunteers on behalf of the county of Mason,

1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Mason county shall have power and authority, and it shall be the duty of said court, at its regular levy court, or at any other term of said court, to levy and assess upon the taxable property of said county assessed for State revenue purposes for the year 1865, a sum sufficient to pay off and discharge said bounties to the volunteers themselves, or to such persons as may have advanced said bounties on behalf of the county.

§ 2. That it shall be the duty of the sheriff, or other collecting officer of the State revenue in said county, to collect and account for the tax assessed under the provisions of the first section of this act, at the same time and in the manner required in relation to the collection of the public revenue of the State, and pay the same over to the order of the Mason county court.

§ 3. Bond with good security, to be approved of by the court, shall be executed in the Mason county court, by the sheriff or other officer charged with the collection of said tax, payable to said court, stipulating for the faithful discharge of the duties of said sheriff or officer under the provisions of this act, and upon which said court, or any person aggrieved, may have the same remedies provided by law against defaulting sheriffs in the collection of the county levies in said county.

§ 4. This act shall take effect from and after its passage.

Approved January 17, 1865.

CHAPTER 608.

AN ACT to amend the Charter of the Owenton and Ross Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the "Owenton and Ross Mill turnpike road company" be, and they are hereby, authorized and empowered to lease said road now constructed, and their right to construct the unfinished portion thereof, with such other privileges as they may choose to convey, within the provisions of their charter, to any person or persons with whom they may contract, and for any term of years not more than ninety-nine: *Provided*, That said president and directors shall, before making such lease, obtain the written consent thereto of the owners, or their legal representatives, of two thirds of the stock

of said company: *And provided further*, That neither the president nor any director of said company shall have the right to become a lessee under this amendment.

1865.

§ 2. This act shall take effect from its passage.

Approved January 17, 1865.

CHAPTER 609.

AN ACT to amend the Charter of the Shelbyville and Louisville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Shelbyville and Louisville turnpike company is authorized to extend its branch road, commonly called the work-house road, in a straight line from the point where it strikes Cannon's lane to the point where the Westport road strikes its main road.

§ 2. Said company is authorized to make a road from Cannon's lane to such point on the Brownsborough road as said company and the Brownsborough turnpike company may agree upon.

§ 3. The roads hereby authorized shall be constructed in the same manner and of the same width as said company's main road; and the company may take lands necessary therefor by writ of *ad quod damnum*, as is authorized by chapter 108 of the Revised Statutes.

§ 4. Said company, upon making said road from Cannon's lane to the Westport road, may increase its capital stock to an extent not exceeding ten thousand dollars.

Approved January 17, 1865.

CHAPTER 610.

AN ACT empowering the county court of Boone county to execute bonds and levy a tax to raise a fund to avoid the draft for the year 1864.

WHEREAS, It is represented to the General Assembly that the citizens of the county of Boone have raised a large sum of money and appropriated the same to relieve said county from draft under the call of the President of the United States for 500,000 men, as of date July, 1864; and whereas, it is further represented that said money was raised and advanced for the purposes aforesaid, with the understanding among the citizens of said county that a tax should be levied to pay the same upon the citizens and their property in said county; therefore,

1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

County court
may execute
bonds.

§ 1. That it may be lawful, and it shall be the duty of the county court of Boone county, a majority of the justices of the peace for said county being present and concurring therein, for and in behalf of said county to execute county bonds binding the faith and credit of said county for the payment of the same, and any interest that may accrue thereon, due and payable within any time said court may fix, not exceeding seven years, and to draw interest at a rate to be fixed by said court, not exceeding twelve per cent. per annum for the whole amount of money expended and disbursed in raising volunteers and releasing said county from draft under said call; said court shall, as it may seem to them best, execute one or more of said bonds, due and payable to the holder thereof in any sum not exceeding the sum aforesaid, and due within any time not exceeding the time aforesaid; said bonds shall be signed by a majority of the justices present and concurring therein, and attested by the county court clerk.

May levy and
collect ad valo-
rem tax.

§ 2. That it shall be the duty of the county court of Boone county, a majority of the justices present and concurring therein, to levy and collect such ad valorem tax, upon the real and personal property assessed for revenue purposes in said county for this Commonwealth within any year, not exceeding the year A. D. 1872, inclusive; and in the discretion of said court, said tax may be levied and collected in seven annual installments, or any other installment that said court may deem best. It is further provided, that said court may, at any called or regular term thereof, after the passage of this act, and up to and including the year 1872, as aforesaid, levy a sufficient tax to liquidate and discharge the bonds aforesaid, and the accruing interest thereon, as fast as the same shall fall due; and in addition to levying the said tax upon the property assessed for revenue purposes, if it should to them seem best, it may be lawful for a portion of said fund to be raised by levying a capitation tax, not exceeding twenty-five dollars on each tithe in said county within the military age, to-wit: between twenty and forty-five years and subject to draft and military duty; this, however, to be levied at the discretion of said court.

May levy tax to
pay bonds.

Collector to be
appointed.

§ 3. The county court may, at the time said tax is levied, or the county judge may at any time, at a called or regular term, appoint a collector to collect and pay over said tax, who shall receive a compensation therefor, to be fixed by said court or county judge at the time of his appointment, not exceeding eight per cent. upon the whole amount collected. But before said collector enters upon

the collection of said tax he shall execute a bond, payable to the county court of Boone county, in double the amount of taxes to be collected, with good and sufficient sureties, binding himself and sureties to faithfully collect and pay over said tax according to the provisions of this statute; and he and his sureties shall be liable for a failure to perform his duty in the collection of the said tax, and in payment of the same, according to the directions of said county court, or the said county judge; and when said tax is collected, or any portion thereof, said county court, or the county judge, may, as often as they think proper, require said collector to report his actings and doings to them, and pay over any moneys he may have in his hands derived from said tax as they may direct, he having first retained the commission allowed him in his own hands for collecting the same; and for a failure to pay over as directed, or to settle and account to said court or county judge, he and his sureties on his official bond shall be subject to the same motions, suits, and remedies as may now be had against sheriffs for failure to settle and account for or pay over the county levy; suits and motions to be brought in the name of the county court of Boone county against said collector and his sureties on said bond, or any or either of them; and in case of judgment being obtained against them on suit or motion, said judgment to bear interest at the rate of twelve per cent. per annum until paid, interest beginning to run from the date of the defalcation of said collector.

§ 4. Said collector shall have the same power to levy and distrain for the collection of taxes levied under the provisions of this act as sheriffs now have by law to levy on and distrain property in the collection of the public revenue or county levy, and shall proceed in the same manner.

§ 5. Any person who has been a soldier in the service of the United States for the period of twelve months, or who has been in said service and discharged for disability, such persons and their property shall be exempt from taxation under the provisions of this act; also all persons who are now soldiers in said service, they and their property shall also be exempt from taxation under the provisions of this act, except those who were drafted to fill the quota of said county under the call aforesaid.

§ 6. This act to take effect from its passage.

Approved January 18, 1865.

1865.

To give bond.
and his powers
and duties.

May distrain
for taxes.

Soldiers ex-
empt from tax-
ation.

1865.

CHAPTER 611.

AN ACT to amend an act, entitled "An act to legalize and pay off the debt of Bracken County," approved February 5th, 1864.

WHEREAS, The county court of Bracken county were, by an act of the Legislature, approved February 5, 1864, authorized to levy a tax to pay off the debt of said county at the court of claims each year; and whereas, the said court neglected, at the court of claims in October, 1864, to levy said tax for the year 1865; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Bracken county, a majority of all the justices of the peace of the county concurring, are hereby authorized to levy said tax for the year 1865, on the county court day in January, 1865, or the county court day in February, 1865, and their act shall in all respects be as valid as if the levy had been made at the court of claims in October, 1864.

§ 2. This act shall take effect from its passage.

Approved January 18, 1865.

CHAPTER 612.

AN ACT giving Wm. R. McFerran, late county judge of Barren county, further time to collect his uncollected fee bills.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be, and the same is hereby, given to Wm. R. McFerran, late judge of the Barren county court, to collect his uncollected fee bills.

§ 2. This act shall take effect from its passage.

Approved January 18, 1865.

CHAPTER 613.

AN ACT to incorporate the Ohio and Mississippi Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name, and capital stock. § 1. That a body-politic and corporate in the city of Louisville be hereby created, to be styled the "Ohio and Mississippi Transportation Company," with a capital of five hundred thousand dollars, divided into shares of five hundred dollars each, with the power of contracting and being contracted with, suing and being sued, and the usual powers incident to corporations.

Business of corporation. § 2. That said company shall be authorized to transport passengers, stock, produce, and freight of all kinds from and to any point or points on the Ohio and Mississippi

1865.

rivers or their tributaries; to purchase and hold steam-boats, wharf-boats, and all other personal property; and also to purchase or lease such landings and wharves as may be necessary to carry on the business of said company.

§ 3. That the fiscal and other prudential concerns of said company, and the management and control of its property and business, shall be vested in a board of nine directors, to be elected by the stockholders on the first Monday in January of each year, after the first election, each share giving to the stockholder one vote; provided that no stockholder shall have more than ten votes.

Who to manage business.

§ 4. That Bird C. Levy, Arthur Peter, Henry Burkhardt, L. B. Dunham, and J. H. Caldwell, be appointed commissioners; and they, or any three of them, may at any time within two years open books for the subscription of stock in said company; and whenever the subscriptions amount to \$250,000, such commissioners, or any three of them, may, by notice published for five days in a newspaper in the city of Louisville, call a meeting of the stockholders to elect a board of nine directors; and, upon such election, said company may commence their said business. The board of directors shall elect the president of the company and all other officers necessary to carry on the business of the company. They may cause the books of subscription to be continued open until the whole of the stock is subscribed, or may hold, sell, or dispose of the same as they may think best. They may prescribe how the stock shall be sold and transferred, and may do all things necessary to an efficient carrying on of their business.

Commissioners to receive subscriptions of stock.

When to commence business.

Who to elect President.

How long books to be kept open.

§ 5. This company shall engage in no other business than that for which it is incorporated. The company shall be authorized to borrow money, not exceeding one half of the capital paid in, and issue their bonds, secured by mortgage or deed of trust upon the property, rights, and privileges of the company for its repayment, or sell bonds upon such terms as a majority in interest of the stockholders may consent to.

Not to engage in other business.

§ 6. The president and board of directors may adopt such rules and regulations for the government and conducting of the business of the company as they may think advisable; but shall not be permitted to limit by by-laws their liability as common carriers.

May adopt rules and regulations.

§ 7. This act shall take effect from and after its passage.

§ 8. The General Assembly reserves the right to alter, amend, or repeal this act at pleasure.

Approved January 18, 1865.

1865.

CHAPTER 614.

AN ACT for the benefit of the sheriff of Henry county.

WHEREAS, It has been represented to the General Assembly that the county of Henry has, for the last eight months, been overrun with guerrilla forces to such an extent as to render it impracticable for the sheriff thereof to collect the revenues due the State from said county; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That said sheriff shall have further time until the first of June to collect and pay into the Treasury the tax due the State from said county: *Provided*, The sureties of said sheriff shall, in the county court for said county, express their assent to such extension, to be entered of record.

Approved January 18, 1865.

CHAPTER 615.

AN ACT for the benefit of Montgomery County.

WHEREAS, The clerk's office of the Montgomery county court was burned on the second day of December, 1863, and all the original deeds and other instruments therein filed, destroyed by fire; and whereas, the books containing the records were preserved; and whereas, there is a number of deeds duly entered of record in said office, and the certificates on said instruments regularly written, showing the date of the acknowledgment, and by whom acknowledged; and whereas, the former clerks of said court failed to sign their names to many of the certificates to the instruments of record; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

To sign certificates of predecessor.

§ 1. That the clerk of the Montgomery county court be, and he is hereby, authorized to sign the name of his predecessor to the recorded certificate of any instrument now on the books in said office, which shall appear to be regularly written out, and wants the name of the predecessor, notwithstanding the original of which has been destroyed by fire; and the clerk so signing the name of his predecessor shall make a note on the record at the foot of the certificate, or on the margin of the book, of any act done by him as aforesaid; and certificates thus signed shall make the instrument as valid and effective as though the original were on file in said office.

§ 2. The clerk shall be allowed for his services a fee of twenty-five cents for each deed or instrument thus completed by him, to be paid by the grantee.

1865.
His fee.

Approved January 18, 1865.

CHAPTER 616.

An act to incorporate the Newport and Covington Water-works Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John P. Jackson, John A. Williamson, William H. Lape, Jacob Hawthorne, Amos Shinkle, Jesse Wilcox, and William Ernst, and their associates, successors, and assigns, shall be, and they are hereby, created a body-politic and corporate, by the name and style of "The Newport and Covington Water-works Company," and by that name and style shall be as capable to contract and be contracted with, sue and be sued, plead, answer, and defend, in all courts and elsewhere, as natural persons; and may have and use a common seal, and change, alter, and renew the same at pleasure; and may ordain and put in execution such by-laws, rules, and regulations, for the government of said company; and for the sufficient management of its affairs and prudential concerns, as may be deemed expedient, not contrary to the Constitution and laws of this State or of the United States.

Corporators' names, and corporate powers.

§ 2. That the business and operations of said company shall consist in furnishing and selling to the corporate authorities and citizens, of either or both the cities of Newport and Covington, water for municipal, domestic, or manufacturing and other purposes, according to such terms as may be agreed upon between said company and the parties furnished with water, not exceeding the rates at which water is furnished in Cincinnati, Ohio. The capital stock of said company shall be seven hundred thousand dollars, in shares of fifty dollars each, with liberty to increase the same, from time to time, by a vote of the majority in interest of the stockholders, as the necessities of the company in the extension of its works may require. The said company may purchase and hold as much land as may be required for its offices, residence of officers, agents, and laborers, and sites for its water-works, engines, reservoirs, and the customary ornamental grounds and gardens attached; and may sell or exchange the same as may be convenient or necessary for the operations and business of said company.

Business of corporation.

Capital stock.

§ 3. That the city councils of the cities of Newport and Covington are each hereby empowered to grant, within their respective jurisdictions, unto the said Newport and Covington Water-works Company, all the privileges re-

Cities of Newport and Covington may grant privileges to corporation.

1865.

quired to enable said company to carry out its business as aforesaid, and to convey and carry to the said company the exclusive or other right to lay pipes for conveyance of water through all the streets, lanes, alleys, squares, and public wharves of said cities; the company to repair any streets, alleys, &c., in which they may lay said pipes, so far as they may have injured the same, from time to time.

Rights of way
granted.

§ 4. That all the rights of way, and other privileges requisite for laying pipes and building water-works are hereby granted and secured unto the said Newport and Covington Water-works Company, in so far as the jurisdiction of the State of Kentucky extends over the beds, margins, and waters of the river Ohio and Licking river, in or bordering upon the counties of Campbell and Kenton.

Who to receive
subscriptions
of stock.

§ 5. That the corporators individually before named, or a majority of them, shall have power to solicit and receive subscriptions to the capital stock of said company, and when the same shall have been received to the extent of not less than one hundred thousand dollars, they shall by advertisement, for not less than ten days, in at least one of the newspapers published either in Newport, Covington, or Cincinnati, call a meeting and superintend the same of said subscribing stockholders, who shall thereupon, by themselves or by their proxies, elect seven directors, all of whom shall be stockholders in said company; and in said election, and at all other elections, each share of stock represented shall be entitled to one vote. The said directors shall thereupon elect by ballot one of their own members as president; and the said president and board of directors shall serve for one year, or until their successors are elected, and shall have power to fill vacancies in their own board when caused by death, resignation, or otherwise. To the said board of directors and the president shall be intrusted the care and management of the property and affairs of the company under the by-laws which may be made from time to time by the stockholders at their regular meetings, or by said directors.

Meeting of
stockholders to
be called.

Officers to be
elected.

Penalty for in-
jury to works.

§ 6. That if any person or persons shall willfully, by any means whatever, injure or destroy any portion of the water-pipes, hydrants or fixtures, or any part of the pumps, engines, buildings, or reservoirs of said company, or shall willfully let on the water to flow after it has been stopped by the said company, or shall throw dirt into or otherwise render impure the water used or furnished by said company, such person or persons, upon conviction thereof before the proper authorities, shall be liable to the company for all damages occasioned by such act or acts, and shall furthermore be considered guilty of a misdemeanor, and shall be fined at the discretion of the jury in any sum not exceeding one thousand dollars, or be imprisoned not ex-

ceeding one year. But this section shall in nowise be considered as changing the law in relation to arson or house-burning, or willfully setting fire to any of the buildings of the company.

1865.

§ 7. That the company may borrow money by their issue of bonds or otherwise, if required, at any time, to extend its works; but shall not have the right to exercise any banking privileges whatever.

May borrow money.

§ 8. That the said company shall also have power to extend its water-pipes and operations outside the corporate limits of the said cities of Newport and Covington, to supply water and to build works and reservoirs to and in other adjacent localities, on such terms as said company and the legal authorities and representatives of such localities, be they corporate or private, may hereafter arrange and agree upon between themselves.

May extend works outside city limits.

§ 9. The said company shall furnish all water needed for extinguishing fires in the cities aforesaid free of cost or charge; and for the purpose of receiving the same the city councils in the said respective cities shall have power to locate fire-plugs in said cities at such points as may by them be deemed necessary.

To furnish water for extinguishing fire.

§ 10. The said company shall organize within one year from the passage of this act, and shall in each year thereafter lay at least one mile of main water-pipe until the necessary main pipe shall be laid.

When company to organize.

§ 11. This act shall take effect and be in force from its passage.

Approved January 18, 1865.

CHAPTER 617.

AN ACT empowering the Nicholas county court to levy and collect a local bounty fund for volunteers in the United States Army.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the levy court of the county of Nicholas shall have power and authority to levy and cause to be collected annually, upon the taxable property of said county assessed for State revenue purposes, such sum of money as the said court in its discretion may deem proper, for the purpose of raising a local bounty fund for volunteers that have enlisted, or may hereafter enlist, in the Army of the United States.

§ 2. The sheriff or other officer charged with the collection of the State revenue in said county, shall collect and account for the taxes levied by said court under the provisions of this act, at the same time and in the same manner that he is authorized to collect the public revenue of

1865.

the State, and shall pay the same over to the order of the Nicholas county court; and for the faithful discharge of the duties of the sheriff or other officer imposed by this act, the said court shall exact bond with approved security, payable to said court, and upon which the court or any person aggrieved may have the remedies provided by law against defaulting sheriffs in the collection of the county levy; and for any defalcation, or neglect of duty, the said sheriff or other officer shall be liable to the penalties against defaulting sheriffs in the collection of the county levy.

§ 3. This act shall take effect from and after its passage.

Approved January 18, 1865.

CHAPTER 618.

AN ACT for the benefit of Samuel F. Roberts, late Sheriff of Kenton county.

WHEREAS, A judgment has been rendered in the fiscal court against Samuel F. Roberts, late sheriff of Kenton county, for a balance then due the State for revenue for 1862, and for \$1,058 57 damages thereon; and whereas, said judgment, including the residue of the revenue, and interest thereon, and the costs of suit, have been paid into the treasury by said Roberts; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said damages of \$1,058 57 adjudged against said Roberts be, and the same are hereby, remitted.

§ 2. That the said Roberts be, and is hereby, given the further time of twelve months from the passage hereof to collect the taxes in the county of Kenton for 1862, and shall have and possess the same rights of distress as he had while in office: *Provided*, That the assent of the sureties of said sheriff shall be expressed in open court, and entered of record in the county court for said county.

Approved January 18, 1865.

CHAPTER 619.

AN ACT for Bounty Fund purposes in Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May levy poll
tax to raise
bounty fund.

§ 1. That for the purpose of raising a fund in Campbell county to pay off and redeem the certificates which have been issued for said county by the city of Newport, in aid of the bounty fund of said county required to court of said county is hereby authorized and the county,

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levy a poll tax of not less than three dollars, nor more, than six dollars, in each year, upon all the male inhabitants of said county between the ages of twenty and forty-five years, inclusive, which levy shall embrace all cities and towns in the county; also an ad valorem tax upon all property which is taxed each year by the State, of not less than ten cents nor more than twenty-five cents on the one hundred dollars valuation; said several taxes shall be levied annually, at or about the May term of said court, and shall be continued for so many years only as is necessary to pay off and redeem said certificates, and the expenses of assessing, collecting, and disbursing the said tax.

§ 2. It shall be the duty of the assessor, each year, to make a full and complete list of all male inhabitants in Campbell county liable to said poll tax, and to return the same with his other tax list; and for his services herein, he shall be entitled to receive out of said fund a reasonable allowance per list, to be fixed by the court at the time of the levy.

Assessor to
make list of
male inhabi-
tants.

§ 3. It shall be the duty of the sheriff to collect and account for the same, in the same manner and under the same rules and regulations as he is required to collect the State taxes and county levy; and he shall be allowed the same fees for his services, to be paid out of said fund; he shall be required to settle with the county court annually, and make out and return his delinquent list at the court of claims, in each and every year, as now required by law, and shall have a credit for said list, and shall pay over the money so collected to the county treasurer, or any special treasurer that may be appointed by said court; it shall be the duty of said county court to place said delinquent list in the hands of said sheriff, who shall advertise and sell the same as he advertises and sells real estate under execution, and make deeds to the purchaser under the same rules and regulations as for lands sold under execution: *Provided*, Said land shall be redeemed in twelve months, by paying ten per cent. and all costs and charges for selling the same.

Sheriff to col-
lect tax.

His fees, &c.

Treasurer.

§ 4. The sheriff and treasurer shall each execute bond to the Commonwealth, with good security, to be approved by the county court, for the faithful performance of their respective duties under this act.

Sheriff and
treasurer to ex-
ecute bond.

§ 5. The county court shall, from time to time, appropriate the fund raised by virtue of this act to the payment and redemption of said bounty certificates, pro rata, among said bond-holders, and when so paid shall be indorsed on said bond: *Provided*, any bond-holder may pay his taxes arising under and by virtue of this act by giving the sheriff a certificate that he had received the amount of

County court
to appropriate
money.

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said taxes on said bond or bonds, taking a receipt from the sheriff for his taxes, not to exceed, however, one third of the amount of said bond or bonds held by him in any one year, which certificate shall be filed by the sheriff in his settlement with the county court for said fund, and he shall have a credit for the same, which amount shall be indorsed on the bond or bonds in the hands of said bond-holders, and the certificates filed in the county court clerk's office: *Provided*, That any person who has served a term of service in the United States army, or is now in the service of the same, shall be exempted from the provisions of this act, so far as it relates to the capitation or poll tax.

Treasurer
and sheriff to
settle annually

§ 6. The county court shall, at least once in each year, require the sheriff and treasurer to make exhibit and settlement before the judge thereof, or commissioners appointed by the court, of their said tax accounts and doings under this act, and may, from time to time, at the discretion of the court, require either of said officers to do so at any time.

Special treasurer
may be
appointed.

§ 7. The county court may, at its discretion, appoint a special treasurer of said fund, and may also appoint one or more commissioners to supervise and manage said fund for the purposes of this act; and may, by order of said court, vest said commissioners with full power in the premises; and said commissioners shall, from time to time, report to said court, and for their services the court may allow them a reasonable compensation out of said fund.

§ 8. This act to take effect from and after its passage.

Approved January 18, 1865.

CHAPTER 620.

AN ACT to incorporate the Hope Insurance Company of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That Thomas T. Shreve, R. C. Hill, D. G. Bly, E. D. Marsh, S. H. Southwick, and all other persons who may hereafter associate with them in the manner herein prescribed, shall be and are hereby constituted a body corporate and politic, by the name and style of "The Hope Insurance Company," and by that name may sue and be sued, appear, prosecute, and defend, in any court of record or other court or place whatsoever; and may have and use a common seal, and alter, break, and renew the same at pleasure; may purchase and hold such personal and real estate as may be necessary to effect the object of their association, and may sell and convey the same at pleasure, provided such real estate shall not exceed in value at any one time the sum of fifty thousand dollars, except such as

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may be taken for debts due the company or as a part of the guarantee capital; may make, establish, and put in execution such by-laws, ordinances, and resolutions, not being contrary to the laws of this State or of the United States, as may be necessary or convenient for their regulation and government, and for the management of their affairs, and do and execute all such acts and things as may seem necessary to carry into effect the provisions of this act.

§ 2. The affairs of said company shall be managed by a board of directors, to consist of not less than five nor more than forty-one members or stockholders, as may be regulated by the by-laws of said company; and said directors shall be chosen by ballot from among the members or stockholders of this company, and a majority of the whole board shall constitute a quorum for the transaction of business until said board shall consist of more than five directors, after which the president and two directors shall constitute a quorum.

Who to manage corporation.

§ 3. The persons named in the first section of this act are hereby constituted a board of directors, to serve as such until the first annual election, and until others are chosen, which annual election shall be held on the first Monday in April in each year. Such election shall be held at the office of the company, at such hour of the day as the directors shall for the time being appoint, notice of which shall be given in one of the newspapers printed in the city of Louisville at least twenty days immediately preceding such election, and such election shall be holden under the inspection of three members or stockholders to be appointed previous to every election by the president, and such election shall be made by a plurality of the votes of the members and stockholders, allowing each member one vote for each policy held by him, her, or them, held and in force in this company, and each stockholder one vote for each share of stock; and the board of directors are hereby authorized, at any of their meetings, to provide a form for the appointment of proxies, and to specify the evidence that shall be required in execution thereof. The board of directors shall hold their offices for one year, and until others are chosen, and vacancies occurring in the board may be filled at any of their meetings.

Board of Directors.

When annual election to be held, & where.

§ 4. The board of directors shall elect a president, vice-president, secretary, and treasurer, who shall hold their offices for one year and until others are chosen. The board of directors may also appoint an executive committee from among their number; and such committee, when the board is not in session, may exercise all the powers vested in this company, except when the company has by its by-laws otherwise provided. The board of directors may appoint examiners, agents, and such subordinate offi-

Officers to be elected.

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Elections.

cers as they may deem necessary, who shall hold their offices during the pleasure of the board.

§ 5. If it shall, at any time, happen that the election of directors shall not be held or made on a day when in pursuance to this act it ought to have been held or made, this corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election of directors, notice of which shall be given as is herein prescribed.

Rates of insurance, &c.

§ 6. The rates of insurance shall be fixed and regulated by the board of directors, and premium notes may be received from the insured, which shall be paid at such time or times, in such sum or sums, as the directors shall, from time to time, require for the payment of the debts of the company. The directors may also fix the amount that each party shall pay at the time of insuring; and any party applying for insurance so electing, may pay a definite sum of money in full for insurance and in lieu of a premium note.

Proceedings in case money on hand is not sufficient to pay losses.

§ 7. If it shall ever so happen that the whole amount of deposit notes should be insufficient to pay the losses occasioned by any fire or fires, in such cases the sufferers insured by said company shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes according to the sum by them respectively insured, and in addition thereto a sum to be assessed on all the members of said company not exceeding fifty cents on every hundred dollars by them respectively insured; and no member shall ever be required to pay for any loss occasioned by fire, at any time, more than fifty cents on each one hundred dollars insured in said company, in addition to the amount of his deposit note, nor more than the amount of any such loss after his note shall have been paid in and expended; but any member upon the payment of his deposit note, and surrendering his policy before any subsequent loss or expense has occurred, may be discharged from said company.

Persons insuring to become stockholders.

§ 8. That all and every person and persons, who shall at any time become interested in said company by insuring therein, and also their respective heirs, executors, administrators, and assigns, continuing to be insured therein as hereinafter provided, shall be deemed and taken to be members thereof for and during the time specified in their respective policies and no longer, and shall at all times be concluded and bound by the provisions of this act.

Members of company to pay proportion of losses.

§ 9. The members of this company shall be, and are hereby, bound and obliged to pay their proportion of all losses and expenses happening and accruing during the time for which they insured; and the said company shall have a lien on all buildings insured, as against the insured,

including the right, title, and interest of the insured to the lands on which said buildings are situated, and belonging thereto, for the payment of said premium notes, or the cash notes which may have been given for the cash premiums.

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§ 10. Applications for insurance shall state all the material facts and circumstances affecting the risk; and the statements made in the application shall be binding on the insured, and a warrantee on his, her, or their part.

Applications for insurance.

§ 11. It shall be lawful for this company to re-insure any risk, or any part of any risk on which they have made insurance.

§ 12. The home office of this company shall be located in the city of Louisville, in the county of Jefferson, Kentucky.

Office of company.

§ 13. When an action is brought for the recovery of any assessment on any premium note, or on any note given for premium to this company, the certificate of the president and secretary, under seal of the company, stating the amount due the company on any such note or notes, shall be taken and received as prima facie evidence thereof in all courts and places whatsoever.

Suits for notes due company.

§ 14. Suits at law may be maintained by this company against any of its members, and suits may also be maintained by any member against the company; and in any suit between the company and any of its members, any member shall be admitted as a competent witness for and in behalf of this company.

Company may be sued, &c.

§ 15. It shall be lawful for the secretary of this company to appoint a deputy, which appointment shall be approved by the board of directors.

Deputy secretary may be appointed.

§ 16. The said company may insure against loss or damage by fire of any building or buildings or other property, and also against loss or damage by lightning, wind, rain, flood, tornado, or any other risk that they may deem proper; to make insurance upon all descriptions of boats and vessels, the cargo and freights thereof, and upon bottomry and respondentia interest, against the perils of marine and inland navigation, and charge and receive such premium therefor as may be agreed by and between the parties.

May insure against loss, &c.

§ 17. If any alteration should be made in any house or building by the proprietor thereof, after insurance has been made thereon with said company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then and in every such case the insurance made upon such house or building shall be void, unless an additional premium deposit after such alteration be settled with and paid to the directors; but no alteration or repairs in buildings, not increasing such risk or hazard,

If buildings altered, insurance void.

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If insured in
in another com-
pany insurance
in this void.

shall in anywise affect the insurance previously made thereon.

§ 18. If any insurance on any house or building shall be and subsist in said company and in any other office, or from and by any other person at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsist by and with the consent of the directors, signified by indorsement on the back of the policy, signed by the president and secretary.

Assessment
for losses, how
made.

§ 19. The directors of said company shall not make more than one assessment for losses in any one year, and they shall settle and pay all losses at one uniform period subsequent to the annual assessment. The directors are authorized, in cases of any loss or damage by fire, to borrow such sum or sums of money as may be necessary to pay such loss or damage: *Provided*, That members sustaining loss or damage by fire shall be allowed interest thereon from the time due notice has been given of said loss until payment is made.

Books may
be examined.

§ 20. Each and every member of said company shall be entitled and allowed an examination of the books, papers, and general transactions of said company upon application therefor to the secretary.

Losses, how
and when set-
tled.

§ 21. The directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment, as aforesaid, against said company for such loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportions of such loss, and publish the same in such manner as they shall see fit, or as the by-laws may have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his premium note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice. And if any member shall, for the space of thirty days after such notice, neglect or refuse to pay the sum assessed upon him, her, or them, as his, her, or their proportions of any loss, as aforesaid, in such cases the directors may sue for and recover the whole amount of his, her, or their deposit note or notes, with costs of suit, and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the time for which insurance was made.

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§ 22. That any person or persons who are or shall become members of said company by effecting insurance therein, their heirs, executors, administrators, or assigns, who shall neglect or refuse the payment of any assessments duly ordered by the directors of said company for the term of thirty days after the same shall have become payable, agreeable to public notice by the treasurer, the party so in default shall be excluded and debarred, and shall lose all benefit and advantage of his, her, or their insurance, respectively, for and during the term of such default or non-payment, and notwithstanding shall be liable and obliged to pay all assessments that shall be made during the continuance of his, her, or their policies of insurance.

Assessments, if not paid, persons not paying, debarred from benefits.

§ 23. That in all cases when real or personal property insured by said company shall become alienated by sale, by change in partnership or ownership, or otherwise, the policies issued thereon shall be void, and shall be surrendered to said company to be canceled; and said company shall not be liable for any loss and damage which may happen to any property after such alienation as aforesaid, unless the policies issued thereon shall have been duly assigned or confirmed by the consent of the directors to the actual owner or owners thereof previous to such loss and damage; and no policy issued by said company shall be deemed to have been duly assigned or confirmed, unless the consent of the directors to such assignment or confirmation is certified in such policy by the secretary of said company.

In what cases policies void.

§ 24. The cash premiums, together with the premium notes, shall constitute the capital stock of said company, which may be increased by a guarantee capital as hereinafter provided.

Capital stock.

§ 25. For the better security of the policy-holders, the said company may receive guarantee notes or mortgages on real estate, to be approved by the board of directors or by the executive committee thereof, to the amount of two hundred thousand dollars, the makers whereof shall be paid in consideration of such guarantee a compensation, to be determined by the board of directors, but not to exceed six per cent. per annum; such notes or mortgages shall be entitled to representation in the election of directors in the ratio of one vote for every one hundred dollars, and shall be liable for the losses and expenses of the company whenever the cash premiums and premium notes are insufficient to pay the same. Scrip certificates may be issued for such guarantee fund, transferable only on the books of the company.

Guarantee notes, &c., may be received.

§ 26. The board of directors may invest and employ the funds of the company in such way and manner as they

Funds may be invested.

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may judge that the interest and welfare of the company require. But nothing contained in this act shall be so construed as to authorize said company to perform any banking privilege, or to issue any certificate of deposit to circulate as money or currency.

§ 27. This act shall be deemed a public act, and be liberally construed for the purposes therein contained, and subject to the statutes now in force governing private corporations.

§ 28. The Legislature reserves the right to amend or repeal this charter in accordance with an act, entitled "An act reserving power to amend or repeal charters and other laws," approved February 14, 1856.

§ 29. This act shall take effect from its passage.

Approved January 19, 1865.

CHAPTER 621.

AN ACT to amend the Charter of the Town of Catlettsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary of town changed. § 1. That the act incorporating the town of Catlettsburg, in the county of Boyd, be so amended that the boundaries of said town shall hereafter be as follows: Beginning with the mouth of the branch which empties into the Ohio river immediately below the house of McGee, running back to a hill immediately back of McGee's house; thence, with the margin of the hill, up to the residence of Washington Hursbell; and thence, including the residences of said Hursbell and John D. Miens, to Catlett's creek; thence across the creek and up the hill to the nearest point on the road leading up Catlett's creek, on the upper side of said creek; thence a south course, running with said road to Mrs. Culver's fence back of her residence; thence a line, so as to include her residence, to the point of the hill just back of the jail house; thence along the side hill running south to a point on a parallel line with the upper end of Miens' tannery; thence a straight line to the Big Sandy river, and down said river to its mouth; thence down the Ohio river to the beginning.

Trustees may levy ad valorem tax. § 2. The trustees shall have power to levy an *ad valorem* tax, not to exceed ten per cent., upon the taxable property in said town, and one dollar and fifty cents for each tithe resident in said town: *Provided, however,* No tax shall be levied upon the farming lands within the corporate limits of said town.

May have streets graded. § 3. That the trustees of said town shall have power to compel the owners of town lots in said town to grade and pave a foot-walk in front of their lots, not exceeding

twelve feet wide, with good brick or rock, according to the direction of the said trustees; and when, in the opinion of the trustees, it is necessary to repair the pavements already made, and if the owner of any lot shall fail or refuse, after reasonable notice is given to him or her by said trustees, to make or repair said pavement or foot-walk, the trustees may cause the same to be made or repaired, and recover the expenses thereof by suit from the owner of the lot, and shall have a lien upon the lot for the amount expended in making or repairing the pavement or side-walk. If the owner of any lot before which the trustees may cause the improvements in this section above specified to be made shall not reside in Catlettsburg, then the notice required by this section shall be served upon him in writing, delivered to him or posted in two public places in said town for one month. The notice shall be signed by the president of the board.

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§ 4. That the trustees of said town shall have power to grant license to keep coffee-houses, billiard tables, and bowling alleys, and to levy a tax upon the license to keep a coffee-house, not to exceed two hundred dollars, and on the license to keep billiard table or bowling alley of not more than sixty dollars, and shall have power to levy a tax of not more than thirty dollars on each licensed tavern in said town.

May grant
tavern license.

§ 5. This act shall take effect from its passage.

Approved January 19, 1865.

CHAPTER 622.

AN ACT to change the time of holding the Quarterly Courts in Wayne County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the quarterly courts in Wayne county be changed from the third Monday of March, June, September, and December to the fourth Mondays of the same months.

§ 2. This act to take effect from its passage.

Approved January 19, 1865.

CHAPTER 623.

AN ACT for the benefit of S. S. McFatrige, late Sheriff of Mercer County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. S. McFatrige, late sheriff of Mercer county, be, and he is hereby, allowed the further time of two

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years, from and after the passage of this act, to close and settle up the unfinished business of his office, with power to collect and distrain for his fees accrued before the expiration of his term of office: *Provided*, That nothing in this act shall be construed to give said McFatridge any further time to account for any State or county revenue, or any fees or money which may have been collected by him: *Provided further*, That said McFatridge shall be responsible upon his official bond to any party aggrieved for any illegal distress or other misconduct of said McFatridge under the provisions of this act: *And provided further*, That said McFatridge shall not enjoy the benefits of this act until his sureties in his official bond, or such of them as may be alive, shall file with the county court of said county their consent in writing to the said extension.

§ 2. This act to take effect from its passage.

Approved January 19, 1865.

CHAPTER 624.

AN ACT for the benefit of B. Small, of McCracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time of two years be allowed B. Small, clerk of the McCracken circuit court, to collect any unpaid fee bills due him as clerk aforesaid, and that he have the right to distrain for and collect the same in as full a manner as the laws now in force for the collection of fee bills will permit.

§ 2. This act to take effect from its passage.

Approved January 19, 1865.

CHAPTER 625.

AN ACT for the benefit of James R. Curry, late Judge of the Harrison County Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be granted to James R. Curry, late judge of the Harrison quarterly court, to list and collect his uncollected fee bills; and during said period he shall have power to distrain for said fee bills to same extent as though they had been listed within the time now prescribed by law: *Provided*, That said

county judge shall be and remain liable for any illegal fee bill issued by him as he now is by law.

1865.

§ 2. This act to take effect from its passage.

Approved January 19, 1865.

CHAPTER 626.

AN ACT for the benefit of W. J. Steele, of Woodford county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. J. Steele, judge of the Woodford county court, be, and he is hereby, permitted to qualify and act as the executor of Joel H. Gray, deceased, any law to the contrary notwithstanding.

§ 2. This act to take effect from its passage.

Approved January 19, 1865.

CHAPTER 627.

AN ACT for the benefit of Green Beard, late sheriff of Breckinridge County.

WHEREAS, It satisfactorily appears to the General Assembly that Green Beard, late sheriff of Breckinridge county, was robbed by guerrillas during the last summer of three hundred and sixty-five dollars of money belonging to the revenue of the State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said sheriff, in his settlement with the Auditor of Public Accounts for the year 1864, be allowed as a credit the said sum of three hundred and sixty-five dollars.

§ 2. This act shall take effect from its passage.

Approved January 19, 1865.

CHAPTER 628.

AN ACT for the benefit of B. F. Jameson, Sheriff of Hart County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That time until the first Monday of July next is hereby allowed Ben. F. Jameson, sheriff of Hart county, to make out and file in the county court his delinquent and insolvent lists for the year 1864; which lists, if filed and allowed according to the provisions of the law in relation thereto, on or before that time, shall be allowed

1865. and paid as though filed in the time prescribed by the Revised Statutes.

§ 2. This act shall take effect from its passage.

Approved January 19, 1865.

CHAPTER 629.

AN AOT authorizing the Greenup County Court to levy a tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Greenup county is authorized to levy an ad valorem tax in the year 1865, not exceeding fifteen cents on each one hundred dollars of property within said county subject to taxation for general revenue purposes, the tax, when collected, to be applied, so far as may be necessary, to the payment of money heretofore borrowed in aid of the bounty paid in said county and paid to volunteers; any excess that may remain to be applied to the debts of the county.

§ 2. The sheriff or collector of revenue of said county shall collect the tax at the same time the State revenue is collected, and shall, with his securities in his bond, be liable for a faithful discharge of the duties imposed by this act, and shall receive the same compensation as may be allowed by law for collecting the State revenue; the money shall be paid out by the collecting officer as the county court may direct, and for a failure to do so, the same may be enforced by motion in the county court.

§ 3. That this act shall take effect from its passage.

Approved January 19, 1865.

CHAPTER 630.

AN ACT for the benefit James P. Miller, late Sheriff of Russell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That two years from and after the passage of this act be, and is hereby, given to James P. Miller, late sheriff of Russell county, to list and collect his uncollected fee bills, and the unpaid taxes due him in said county; and during said two years said fee bills and unpaid taxes shall have distrainable force: *Provided*, That said Miller shall be liable to all the pains and penalties now imposed by law for issuing and collecting illegal fee bills.

§ 2. This act to be in force from and after its passage.

Approved January 19, 1865.

CHAPTER 631.

1865.

AN ACT for the benefit of R. W. Courts, of Russellville.

WHEREAS, It is represented to this General Assembly that a coupon of interest, or dividend warrant for interest, due January, 1865, on a bond of the State of Kentucky, No. 332, was cut off from said bond and has been accidentally lost or destroyed; that said bond, and said lost or destroyed coupon or warrant for thirty dollars was, at the time of its loss, the property of R. W. Courts, of Russellville, Logan county, Kentucky; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the execution of a bond of one or more residents and citizens of the State of Kentucky, to be approved by the commissioners of the sinking fund, conditioned to save harmless and indemnify the State of Kentucky against all loss or payment on account of the coupon of interest or dividend warrant aforesaid, the said commissioners are hereby authorized to pay to the said R. W. Courts the sum of thirty dollars, in full satisfaction of said coupon or warrant.

§ 2. That before any such payment shall be made the said R. W. Courts shall file with the commissioners the evidence of the loss and ownership of said coupon; and no payment shall be made unless they are satisfied of such loss and ownership as above represented.

§ 3 This act shall take effect from and after its passage.

Approved January 19, 1865.

CHAPTER 634.

AN ACT for the benefit of D. L. Miller, late Sheriff of Ohio County.

WHEREAS, It appears that David L. Miller, late sheriff of Ohio county, had collected revenue of the State of Kentucky to the amount of five hundred and sixty dollars in the month of April, 1864, on account of revenue due from said county from the year 1863, and had placed the same for safe-keeping on special deposit in the vault of the branch of the People's Bank at Hartford, and the same was taken forcibly from the vault of said bank within ten days thereafter by a band of guerrillas, under command of Captain Jake Bennett; and having settled and paid into the treasury of Kentucky the full amount of all the revenue due from said county for the year 1863; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to issue his warrant upon the Treasury of Kentucky for said sum of five hundred and sixty dollars, out of any money

1865. in the treasury not otherwise appropriated, in favor of said David L. Miller for the money taken.

§ 2. This act to take effect from the date of its passage.

Approved January 20, 1865.

CHAPTER 635.

AN ACT for the benefit of J. A. Jackson, late Sheriff of Webster county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. A. Jackson, late sheriff of Webster county, have the further time until the first day of September next, to return his delinquent lists for the years 1862 and 1863, and that the Auditor of Public Accounts be instructed to draw his warrant on the Treasury in favor of the said Jackson for the amount of said list, when presented as required by law.

§ 2. This act shall take effect from its passage.

Approved January 20, 1865.

CHAPTER 636.

AN ACT for the benefit of W. H. Sandford, Clerk of the Owen Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from and after the first day of March next, be, and the same is hereby, given William H. Sandford, clerk of the Owen circuit court, within which to collect his fee bills, subject to the laws now in force in regard to the collection of fee bills of clerks of circuit courts.

§ 2. This act to be in force from its passage.

Approved January 20, 1865.

CHAPTER 637.

AN ACT for the benefit of the Public High Schools of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of school trustees of the city of Louisville shall have the power to fill all vacancies in their board occasioned by death, removal, resignation, or other cause, occurring in the interim of the general elections. Such persons, so elected, shall hold their offices until the next succeeding general election.

§ 2. The board of school trustees of the city of Louisville shall have the power to admit to the Male and Female High Schools, under their control, scholars and pupils from beyond the limits of the city, and may collect from all persons, so admitted under this act, tuition fees, for the benefit of the school fund of the city.

1865.

§ 3. The General Assembly reserves the right to amend or repeal this act at pleasure.

Approved January 20, 1865.

CHAPTER 638.

AN ACT to incorporate the Airdrie Petroleum Company of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. Aitchison Alexander, H. H. Gratz, S. D. Bruce, Julian Munoy, and E. L. Drake, are created a body corporate, able, by their common consent, to receive and grant in law anything within the compass of their chartered franchises and privileges, to be denominated the "Airdrie Petroleum Company of Kentucky," with the privilege and purpose of boring for petroleum oil on any lands which they have in Muhlenburg county, or any other counties in which they may acquire land, either by purchase or lease, and reducing the oil to burning fluid, paraffine, asphaltum, and to all its uses; trading in oil in its crude or refined state, and shipping it to foreign or domestic ports; lay conduct-pipes and construct a railroad from their wells to a navigable river or railroad now constructed or to be constructed, and to make connections and turn-outs for their purposes, &c. They and their associates and successors shall continue and have succession for an indefinite period, and by that name and style are hereby made as capable in law as individual citizens to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; also, shall have the power to purchase or lease and hold real estate for the purposes aforesaid, and to sell or lease any part they may desire, by deed or other conveyance; to borrow money for the benefit of said company; but not to have or exercise the privilege of loaning money or issuing bills or notes upon banking privileges; also, after the company be organized, shall have the power to ordain and establish such by-laws, ordinances, and regulations as shall be necessary for the well-being and government of said corporation, and not contrary to the laws of this State or of the United States.

Corporators' names, and corporate powers.

1865.

Capital stock.

§ 2. That the capital stock be \$3,000,000, divided into shares of \$10.

Stock to be regulated.

§ 3. That the president and directors shall regulate the proportion of stock which may be issued to each member on application.

President and other officers to be elected.

§ 4. That the corporation, or a majority of them, shall hold a meeting as soon after the passage of this act as possible for the purpose of organizing, by the election of a president, vice president, secretary, treasurer, and board of directors, which shall be not less than three or more than seven, these officers, or a majority of them, to constitute a board to transact business of the company, and to hold their offices for one year, or until others are elected; at the expiration of each year an election for said officers to be held, at such place as the board may direct, notice being given, in two or more newspapers published in the State of Kentucky, of the time and place of holding said election, at least one month before the time of holding said election, for one week. Each stockholder shall have one vote for every share he or she may own; and any stockholder not present at any such meeting or election may vote by proxy, such proxy being a stockholder attending such meeting or election, and presenting his authority from his principal, duly authenticated by two witnesses subscribing to his or her name.

Secretary to make report.

§ 5. That at every annual meeting it shall be the duty of the secretary to report, in writing, the financial condition of the corporation, its acts and doings, and at all times to have his books ready for inspection by the board of directors; and also, at said meeting, to declare the dividends, &c., directing the treasurer to settle and pay the same in conformity with his report; and further, that dividends may be declared and paid to stockholders half yearly, quarterly, or when the directors shall order. That the treasurer is at all times authorized to deposit money belonging to the corporation in any good and solvent bank, at the risk of the corporation and stockholders.

§ 6. That nothing in this act shall be so construed as to confer banking powers or privileges to this company.

§ 7. That the Legislature reserves the right to alter, amend, or repeal this charter at pleasure.

§ 8. This act to take effect from and after its passage.

Approved January 20, 1865.

CHAPTER 639.

1865.

AN ACT to incorporate the Portland Commercial and Tobacco Warehouse Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Paul Villier, William A. Duckwall, Jacob W. Earick, Daniel McCulloch, James F. Irwin, Enoch Lockhart, and Charles B. Parsons, and their associates, are created a body-politic and corporate, under the name and style of the Portland Commercial and Tobacco Warehouse Company, and by that name and style shall have perpetual succession, and contract and be contracted with, sue and be sued, plead and be impleaded, answer and to be answered, in any court of law or equity in this State, or elsewhere; with power to acquire, by purchase or otherwise, hold, possess, use, occupy, and enjoy, and the same to sell, rent, lease, convey, and dispose of, manage, and control all such real and personal estate as shall be necessary and convenient for establishing and maintaining a commercial and tobacco warehouse in that part of the city of Louisville known as Portland, and to be called the Portland Commercial and Tobacco Warehouse Company, for the receiving and storing of produce and merchandise, and for storing and selling leaf tobacco at public auction or at private sale, and for receiving, storing, and selling at private or public sale other articles of commerce, trade, and manufacture; and said company may have and use a common seal, and the same to change as they may deem expedient.

Corporate
name, and pow-
ers.

§ 2. That the capital stock of said company shall be seventy-five thousand dollars, divided into shares of one hundred dollars each; and books for the subscription of stock shall be opened by Wm. H. Troxell, Daniel McCulloch, Paul Villier, or any two of them, in the city of Louisville, and at such other places as they shall direct, at such time or times as they shall fix upon; and after the subscription books are closed they shall deliver them over to the first board of directors as soon as said board shall be elected and organized. The said Troxell, McCulloch, and Villier shall call a meeting of the stockholders in said company at some convenient place, the time to be fixed by them, in the city of Louisville, within twenty days after the stock is subscribed, as provided in this act, and shall give public notice of the stockholders' meeting at least ten days in two of the public newspapers printed in the city of Louisville; and if a majority of the stockholders or persons who are subscribers for a larger portion of the stock shall be present or represented by proxy at said meeting, the said Troxell, McCulloch, and Villier, or any two of them,

Capital stock.

How to be
taken.

1865.

Election of directors.

shall cause an election by said stockholders of a president and six directors of said company, who shall be stockholders and residents of the city of Louisville.

§ 3. The president and directors shall be annually elected, after the first election, at such time and place as shall be designated by the by-laws of the company; and in the event of a vacancy in the office of president or director, from any cause, the board of directors, or directors remaining in office, shall fill said vacancy by the appointment of a stockholder, until the next annual election by the stockholders.

Duties of president and directors.

§ 4. The president and directors shall hold their office for one year, and until their successors are elected; the president shall preside at the meetings of the board of directors and at the meetings of the stockholders, decide points of order, and may, when he deems it necessary, call meetings of the directors and of the stockholders.

§ 5. There shall be stated meetings of the president and directors at such times and place as shall be named in the by-laws, said by-laws to be consistent with the laws of Kentucky and of the United States.

§ 6. The president and directors shall keep a record of their proceedings in a book to be kept for that purpose, which shall be opened to the inspection of any stockholder or his representative.

Vacancies, how filled.

§ 7. The president shall execute all contracts made by the board of president and directors; but no contract shall be binding upon the company unless it is entered upon the books or records of the board of president and directors, and approved or sanctioned by a majority of the board of directors; and the record of such proceedings shall show that a majority of said directors was present at the meeting at which any such contract was approved or sanctioned; should any director or the president die, resign, refuse to act, or cease to be a stockholder, or a citizen of Louisville, or fail to attend the meetings of the board of directors for five consecutive meetings of the board, when notified to attend such meetings, the board of directors or other members of said board may proceed to declare a vacancy in the office of president or director, as the case may be, and may fill said vacancy.

By-laws to be made.

§ 8. The first board of president and directors shall make and adopt all proper and needful by-laws for the government and well-being of said company's affairs, which may be from time to time altered, changed, or modified or abolished, and a new code adopted; the president and four directors, or five directors without the president, shall constitute a quorum for the transaction of business of said company within the jurisdiction of the board of directors; in the absence of the president at any meetings

1865.

of the board of directors a chairman for the time being may be elected to preside, and shall discharge the duties of president; and should the president be absent from the city from any cause, or unable to attend, the board of directors may appoint a president *pro tempore* to discharge the duties of the president during the time the disability or absence exists.

§ 9. The president and directors may, from time to time, cause the subscription books to be re-opened, or may procure additional subscriptions until the whole capital stock is taken, if it should not be taken before said Troxell, McCulloch, and Villier; and in case the whole amount of stock shall not be subscribed when the books are opened, or said subscription should be closed before the said seventy-five thousand dollars are subscribed, said company may be organized if fifteen thousand dollars of said stock be subscribed by solvent persons. Stock books to be re-opened.

§ 10. The president and directors shall, from time to time, make calls upon stock subscriptions not exceeding twenty per cent. on the amount of each share, and not oftener than sixty days apart from the time of making said calls, until the whole amount subscribed shall be paid. When stock calls to be paid.

§ 11. The president and directors shall cause to be made out, and exhibit at each annual meeting of the stockholders, a true statement of the condition of the financial affairs of said company; the amount of receipts and disbursements, and sources of receipts and expenditures; and shall, when the business of the company shall authorize it, declare a dividend to the stockholders, and cause the same to be paid over to those entitled thereto.

§ 12. The president and directors shall cause a list of the stockholders' names to be kept in a book to be kept for that purpose, and shall cause stock certificates to be issued to each stockholder, which may be transferred on said company's books on the surrender of the stock certificates and the issuing of a new certificate to the party entitled thereto by such transfer. The stock certificates shall be signed by the president and countersigned by the secretary; and no stock certificate shall issue until the share or shares subscribed by the party shall be paid; and each share shall entitle the holder thereof to one vote at the annual or other meetings of the stockholders.

§ 13. The president and directors may employ, provide, and appoint agents, servants, or other persons to manage, superintend, attend to, and take charge of the affairs, business, and property of said company; and appoint a secretary and treasurer, and require bond and good security from any and all agents, servants, secretary, and treasurer, in such conditions, and to pay such wages or salaries, as said president and directors may deem right and proper. Other officers and agents may be appointed.

1865.

§ 14. The said president and directors may rent or lease for a term of one or more years, from time to time, such warehouse or warehouses, grounds and premises, for the storage and business of the company, upon such terms, and for such rent or compensation, as they by contract shall agree upon.

§ 15. The president and directors of said company may receive in payment of stock subscriptions indorsed notes, or otherwise, secured by real or personal security, and may renew such notes if they see fit to do so. They may declare any subscription stock forfeited for the non-payment of the amount due thereon, if the same shall not be paid within thirty days from the service of notice, that, unless the amount due and demandable on such stock shall be paid within thirty days from the service of the notice, the same shall be forfeited; and if any delinquent stockholder should be a non-resident, the publication of such notice in two of the daily newspapers printed in the city of Louisville for twenty days shall be a sufficient notice; and should any forfeiture occur, it may be remitted by a vote of a majority of the stockholders at any annual meeting, upon payment of all arrearages of principal and interest then due upon installments which, up to such time of remission, have been called on stock, and payment of a due proportion of losses which may have attached to the interest of such defaulting stockholder up to the time.

§ 16. No transfer of stock shall be deemed valid or complete as long as the person transferring shall be indebted to the company, or liable for losses, until such indebtedness and liabilities are paid or secured to the satisfaction of the president and directors; and all assignees of stock shall take and hold the same, with all the liabilities which have accrued or may be attached to said stock for or on account of the original owner or owners. The president and directors, in the by-laws, may make rules and regulations for the transfer of stock certificates; but such rules and regulations shall not conflict with this section.

§ 17. That no stockholder shall be answerable in his person or individual property for any contract, debt, or agreement of said president and directors or said company, nor for losses or failure of the capital stock of said company; but the whole of said capital stock of said company, together with all the property, rights, and credits thereto belonging, shall at all times be answerable for all lawful demands against said company.

§ 18. That in case of the failure from any cause of the election of president and directors, or the annual meeting of the stockholders, said company shall not be dissolved; but the meeting of the stockholders and the election of president and directors may be held at another time, to be

designated by the president and directors, and notice, in two of the newspapers printed in the city of Louisville, for ten days before the day of the meeting and election.

1865.

§ 19. The General Assembly reserves the right to repeal or amend this charter.

§ 20. This act to take effect from its passage.

Approved January 20, 1865,

CHAPTER 640.

AN ACT to amend the laws of the city of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of the city of Newport shall have power and authority to appoint a street commissioner, and such other officers in said city as are not now provided for by law, and to prescribe their powers and duties; said council shall also have power to make all appropriations of money for city purposes by them deemed necessary or proper.

§ 2. That the wharfmaster of said city be, and is hereby, vested with full power, at all times, when the same is not promptly paid on demand, to levy and distrain for any wharfage due the city, and his costs, upon the boat or craft for which wharfage is due and payable, or upon a sufficiency of the tackle, furniture, and appurtenances, or any property of the person from whom such wharfage is due, and to advertise and sell the same, as in case of an execution of *fi. fa.*; and the city council shall have power, by ordinances and by-laws, to fix the costs chargeable in such cases.

§ 3. That so much of the fourth section of "An act to amend the charter of the city of Newport," approved February 18, 1860, as relates to the compensation of members of the city council; also, an act, entitled "An act to empower the city council of Newport to discontinue a portion of an alley in said city," approved January 20, 1864, are hereby repealed.

§ 4. This act shall take effect from its passage.

Approved January 20, 1865.

CHAPTER 641.

AN ACT establishing a toll-bridge over Obion river, in Hickman county.

WHEREAS, The cost of keeping up a free county bridge over Obion river, at the crossing of the public road leading from Columbus to Clinton, in Hickman county, is too great

1865.

for the county to bear, from the fact that two good bridges at that place have been destroyed in the last three years, costing each about a thousand dollars, and there is at that crossing now no bridge, but, by permission of the county court, a ferry has been established there, maintained and kept by W. F. Boon, a citizen of said county; and whereas, it is much more inconvenient for the people to cross by ferry than by bridge, on account of both expense and delay; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby granted to the said W. F. Boon, his heirs and representatives, a charter to keep a toll-bridge over the said Obion river, in Hickman county, at the crossing of the public county road leading from Columbus to Clinton; that said W. F. Boon, before proceeding to do so, shall execute, in the Hickman county court, a bond with good and approved security, payable to said county court, in the sum of two thousand dollars, conditioned that the said W. F. Boon, his heirs and representatives, shall well and faithfully, for and during the next ensuing ten years thereafter, keep up and in good repair, unless prevented by the public enemy or by order of the commanders of the military forces of the United States at said place, a good and substantial bridge, with good and substantial abutments, and levees above the ordinary high water-mark, extending from said bridge to the high land on each side thereof, so that the public may pass over the same at all times with safety; and for a breach of said bond, the county court of Hickman county may, and it shall be their duty, to institute the appropriate action against said Boon or his representatives, from time to time, as often as said bond may be violated, and recover against him or them judgment for damages in amount equal to the value of repairs necessary to make said bridge and levees good and substantial, or to make a new bridge, if necessary, at said crossing, which damages thus recovered shall be applied by said county court to the repair or rebuilding said bridge and levees, so as to keep them in the condition required by said bond.

§ 2. That upon said Boon's appearing in the Hickman county court, and executing bond as required in the preceding section, the same shall be regarded as his acceptance of this charter under this act with its provisions; and thereafter, for and during the next ten years ensuing, said Boon is hereby granted the right, his heirs and representatives, to charge and collect tolls from all persons passing said bridge at the rates to be fixed, from time to time, by the county judge of Hickman county: *Provided, however,* That any person, being a citizen of said county, and so

desiring, by paying to said Boon a sum to be fixed by said county judge, shall have the right, together with his family, wagons, and property, to cross said bridge for one year free of any other charge.

1865.

§ 3. That said W. F. Boon shall have the right to have condemned, for the purposes of said bridge, not exceeding one acre of land on either side of the river, adjacent to said bridge, by the same proceeding as prescribed by law in case of mill-dams.

§ 4. This act to take effect from its passage.

Approved January 20, 1865.

CHAPTER 642.

AN ACT to amend the Road Law of Greenup County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second, third, and seventh sections of an act, entitled "An act to amend the road laws of Greenup county," approved January 30, 1864, are hereby repealed.

§ 2. It shall be the duty of the county clerk of Greenup county, within ten days after the return to him of commissioners' books of assessments for revenue of that year, and when called upon by any road overseer, to make out for him a complete transcript of so much of said books as embraces all persons and lists of property assessed in said overseer's road precinct, showing in appropriate columns the amount of road tax to be paid by each person in said road precinct, at six cents on the hundred dollars thereof; and the said road tax of said county is hereby fixed at six cents on the hundred dollars of taxable property assessed for State revenue purposes; and each of said road overseers shall, from time to time, by giving at least two days' notice of the times and places of working out the taxes and personal services, call upon the persons so liable to work the roads or pay taxes in his district, and require each to work out his taxes and perform the personal services, until said several persons shall have performed or furnished labor on the roads for a time equal to one day for every dollar of tax and personal service required; the personal service required of those liable for it in working the roads shall not exceed three days for each year, except to remove obstructions or open new roads; after each road overseer shall have given to each person liable to work out his road tax or to perform personal services, as required by law, notice aforesaid by warning such at least twice, and said person shall fail to comply, said overseer may proceed to collect the tax due from said person, and in addition five per cent. on the amount of tax, and shall have

1865.

the same power as sheriffs may have by law to distrain the property of delinquent tax-payers and sell said property in the same way; and it shall be his duty to sue those who fail to perform personal service without good cause shown to him for said failure, and the fines so collected shall be paid over to said overseer to be disposed of by him as required in the sixth section of the act of January 30, 1864; the five per cent. on the amount of taxes which is required to be collected, when the taxes are paid to or distrain for by the overseers, may be retained by him for his services in collecting and disbursing the taxes and fines so collected.

§ 3. There shall be appointed by the county court, at the same time the road commissioners are appointed, a treasurer of the road fund of the county; whose duty it shall be to receive from each overseer all balances of taxes and funds on account of the road fund of the county, and disburse the same on the orders of the road commissioners or the county court, keeping the account of the funds so received of each commissioner's road district separate; and for his services shall not be chargeable with any interest on the money received by him; he shall give a bond with good security, in the county court, conditioned faithfully to discharge the duties of his office: *Provided*, Either of said road commissioners may be appointed treasurer.

§ 4. The road commissioners and the treasurer, or a majority of them, shall be a board, who shall settle with each road overseer by the first of December of each year for the taxes and fines collected in his precinct, and the disbursement thereof, which he shall show by proper receipts and vouchers; and if any overseer shall fail so to settle or collect the taxes, the said board shall report him to the county court, which shall cause a rule to issue against him, and after five day's notice shall render judgment against him for the amount of the taxes required by him to be collected for road purposes in his precinct, and ten per cent. thereon, and a *capias pro fine* may issue against him, from time to time, until the judgment is satisfied; said rule shall issue in the name of the treasurer, who shall be a competent witness to prove any fact on the trial of said rule.

§ 5. The commissioners, county judge, and county clerk, or a majority of them, shall be a board to settle annually, before the month of January, the accounts of receipts and disbursements of the treasurer.

§ 6. The county clerk shall be allowed twenty cents for each list he may be required to furnish to each overseer, to be paid out of the road fund of the county.

§ 7. Each road overseer shall be a competent witness upon the trial of any suit required to be brought by him.

1865.

§ 8. The county court shall cause an abstract of the road law of the county, and of the law concerning the embezzlement of county funds, to be published, a copy of which shall be furnished to each overseer and each commissioner, the county clerk, and the treasurer of the road fund, to be held by them as public property, and turned over to their successors as such; and the costs of said publication, on the order of the county court, shall be paid out of the road fund.

§ 9. The road precinct of Greenupsburg shall embrace the streets and alleys of said town, and half a mile at least of each of the public roads leading from the town east of Little Sandy.

§ 10. The circuit judge shall give specially in charge to the grand jury the road law of the county; and any persons required to perform duties under the law, except persons required to work on the roads or pay taxes, may be fined, on indictment of the grand jury, for any failure or neglect of duty, any sum not exceeding ten dollars in the case of overseers, and not exceeding fifty dollars in the case of others.

§ 11. No person shall be required to serve as overseer more than two years in any three, and no overseer shall be permitted to be excused until he shall have settled up his accounts; and, in case of the removal of any overseer for cause, he shall, by the board, be required to settle up his accounts.

§ 12. This act shall be in force from its passage.

Approved January 21, 1865.

CHAPTER 643.

AN ACT to incorporate the Falls City Bank of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of deposit, in the city of Louisville, with a capital of one million of dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns shall be a body-politic and corporate, by the name and style of the Falls City Bank, and shall so continue for twenty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

§ 2. Said bank shall be under the control and direction of six directors, each of whom shall be stockholders; they

Capital stock.

Who to control business.

1865.

shall be residents of this State, and, after the first election, shall be elected annually on the second Monday in January in each year, and hold office until their successors are elected and qualified; they shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be had whenever deemed necessary; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company, remaining unsold, as they may, at any time, choose to sell, to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bond to secure the faithful performance of their duties, as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholder.

Commissioners
to receive
stock.

§ 3. L. L. Warren, H. C. Pindell, W. E. Glover, E. A. Gardner, Wm. Hughes, D. B. Leight, Robert Murrell, and R. A. Robinson, are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock; and when two thousand shares have been subscribed, it shall be their duty to give notice, in two or more daily newspapers published in said city of Louisville, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be made as follows: five dollars on each share at the time of subscribing, and forty-five dollars within ten days after the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every thirty days: *Provided*, That after one hundred thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue; and should any of the subscribers fail to pay for their subscriptions of stock, as herein provided, after giving notice of their intention in some daily newspaper in said city for thirty days, the directors may, by resolution entered on their records, forfeit such stock and re-sell the same at such times as they may deem expedient; and all partial payments made on any stock which shall be then forfeited, shall be held for the benefit of the corporation. Said corporation may commence business so soon as one hundred thousand dollars shall have been paid in,

Subscriptions,
how paid.

and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice.

1865.

§ 4. Said bank may receive deposits of gold, silver, bank notes, and other notes, which may be lawfully circulating as money, and repay the same, in such manner, at such times, and with such interest, not exceeding the rate of six per cent. per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt, take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon, in all respects as natural persons may do under the common law; and the promissory notes made negotiable and payable at its banking house, or at any bank, and inland bills, which may be discounted by it, shall be and they are hereby put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

Business of corporation.

§ 5. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the constitution and laws of this State or of the United States.

May hold real estate.

§ 6. It shall be the duty of the president, on the first day of January in each year, to pay into the treasury fifty cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus, and be a part of the sinking fund of this Commonwealth.

To pay tax to State.

§ 7. If the cashier, clerks, teller, or other officers, shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowingly make false ones, on the books of the bank, with intent to cheat or defraud the corporation, or any other person, or to conceal any improper appropriation of funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this Commonwealth for a period of not less than two, nor more than twenty years.

Penalty on officers for defrauding corporation.

§ 8. It shall not be lawful for said bank to issue any note or bill to be passed and used as currency.

§ 9. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

1865.

§ 10. An act, entitled "An act to incorporate the Falls City Bank at Louisville," approved February 22d, 1864, is hereby repealed.

§ 11. This act to take effect from its passage, and continue in force twenty years.

Approved January 21, 1865.

CHAPTER 644.

AN ACT to incorporate the Sigma-Alpha-Phi Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of the "Sigma-Alpha-Phi Society," organized at Center College, Danville, Ky., be, and they are hereby, created a body-politic and corporate, by the name and style of the "Sigma-Alpha-Phi Society," with perpetual succession, and by that name shall be capable of being contracted with, of suing and being sued, and of pleading and being impleaded, in all the courts of this Commonwealth.

§ 2. They shall have power to purchase, use, devise, and convey all such real and personal estate, not exceeding \$10,000, as may be necessary for their purposes and accommodation.

§ 3. They shall have power to make, use, and have a common seal and their peculiar devices, and the same to break or exchange at their will and pleasure.

§ 4. They shall have power to establish chapters of their order in whatever places in this Commonwealth they may wish, with powers and privileges suitable and necessary for their own internal regulation and discipline.

§ 5. They shall have power and authority to ordain, establish such rules and regulations for their government as they may deem proper and necessary, and are not inconsistent with the laws of the United States and of this Commonwealth, and the charters and laws of literary institutions with which they may be connected.

§ 6. The power to change, alter, or repeal this act is hereby reserved to the General Assembly of the Commonwealth of Kentucky; and this act shall take effect from its passage.

Approved January 21, 1865.

CHAPTER 646.

1865.

AN ACT to empower the county court of Metcalfe county to borrow money and execute the bonds of the county therefor.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be lawful for the county court of Metcalfe county (a majority of the justices of the peace of said county being present and concurring therein) to borrow not exceeding ten thousand dollars, to be expended in building a court-house in and for said county, and may execute the bonds of the county therefor, no bond being of a less denomination than one hundred dollars, bearing interest from date, the interest thereon to be paid annually, the bonds to be payable at such times as the court may direct; but no bond shall be issued which shall not be payable prior to the 31st day of December, in the year 1870.

County Court may borrow money and issue bonds.

§ 2. That said bonds shall be signed by the presiding judge of the county court, or, in case of a vacancy in said office, or the absence of said presiding judge, or his refusal to sign said bond, by the justice of the peace who may be selected by the court for that purpose, and attested by the clerk, with the seal of the court annexed, and shall be in substance as follows, to-wit :

Presiding judge to sign bonds.

No.—.

STATE OF KENTUCKY, Metcalfe County, *sct.:*

— years after date the county of Metcalfe, State of Kentucky, will pay to — the sum of — dollars, bearing interest from date, the interest to be paid annually at the town of Edmonton, in said county.

In testimony whereof, —, the presiding judge of said court, has hereto signed his name, and
 { L. S. } —, the clerk of said court, has attested the same, and attached the seal of said county, this — day of —, 186—.

(Signed) —, *Presiding Judge.*

Attest: —, *Clerk.*

§ 3. That said bonds shall be signed in open court, and the order of the court shall show, specifically, the denomination of each bond issued, its date, when payable, and to whom payable, and the number thereof; and no bond not thus set forth in the order of the court shall be binding upon said county. Said bonds shall be transferable by assignment, in the presence of the county court; the date thereof, and the person by whom and to whom assigned being set out on the order book of said court, which assignment may be made at any regular term of the court without the presence of the justices of the peace.

Bonds to be signed in court.

1865.

May issue
bonds to con-
tractors.

§ 4. That it shall and may be lawful for the court to issue bond or bonds to the contractors who shall build said court-house for work done by them, they taking said bonds at par.

How money to
be used.

§ 5. That the money so raised or borrowed on such bonds shall be exclusively applied in the erection of a court-house for said county, and for no other purpose whatever, and shall, when borrowed, be paid over to the treasurer appointed in the next section, or to some commissioner who has given bond as therein directed.

Treasurer ap-
pointed, and
his duties.

Compensation.

§ 6. That said county court shall have power to appoint a treasurer, who, before entering upon the duties of his office, shall execute a covenant with good security, payable to said county court, that he will faithfully keep any money belonging to said county, and disburse the same as directed by the court in payment for the building of said court-house, and make settlement of his accounts when required by the court so to do; upon which covenant, if violated, suit may be brought in the name of said county court; the court shall, at the court of claims, make said treasurer a reasonable compensation for his services, and may by proper orders impose on him such duties in regard to the superintendence of the work as may seem proper to said court; but nothing herein shall be construed as prohibiting said court from appointing any agents or commissioners that may be deemed proper for the superintendence and prosecution of the work of said building: *Provided, however,* That all such appointments, whether of treasurer or commissioners, shall be made when a majority of the justices of the county are present: *And provided further,* That bond and security, conditioned for the faithful discharge of their duties, shall be required of all or any agents or commissioners who shall have any control of or power to direct disbursement of any of the money belonging to the county.

County court
to levy tax.

§ 7. That it shall be the duty of said county court, at the court of claims next succeeding the issuing of any of the bonds herein provided for, to levy on the county a tax sufficient to pay off the annually accruing interest on said bonds, and to pay the principal at maturity, and for this purpose the court may, in addition to the ordinary county levy, annually levy an ad valorem tax of not exceeding twenty cents on the \$100 worth of property listed for taxation for revenue purposes.

Sheriff to col-
lect tax.

§ 8. The ad valorem tax provided for in the last preceding section shall be collected by the sheriff of said county, and he and his sureties in his bond given for the county levy, shall be responsible therefor to the court: *Provided, however,* That if said tax shall be levied and collected during the present year, that the said sheriff shall give a

separate bond for said tax, unless his sureties shall come into court and agree of record to be responsible therefor on the bond given for the county levy.

§ 9. That if the county court shall fail to levy a tax, as herein directed, sufficient to pay the accruing interest on said bonds and the principal at maturity, the Metcalfe circuit court shall have power and jurisdiction, upon the petition of any of the holders of said bond, to award a mandamus compelling said court to make such levy, and enforce obedience to the same by fine and imprisonment until the mandamus shall be obeyed.

Circuit court
to issue man-
damus in cer-
tain cases.

§ 10. This act shall take effect from its passage.

Approved January 21, 1865.

CHAPTER 647.

AN ACT for the benefit of the Coroner of Jefferson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the coroner of Jefferson county shall be allowed for summoning a jury and witnesses, and performing the duties required by the fourth section of article third, chapter twenty-one, of the Revised Statutes, and taking an inquisition on a dead body, eight dollars, and all reasonable charges for burial expenses, to be paid out of the estate of the deceased, if sufficient, and if not, then out of the county levy for all cases occurring outside of the city of Louisville; and for all cases occurring within the city of Louisville, to be paid out of the city treasury, on an account made out and presented by said coroner to, and approved and passed by, the county court and mayor and general council.

§ 2. That said coroner of Jefferson county shall have power, when in his judgment it is required, and with the consent of the attorney for the county, or the attorney for said city, or on the advice of the judge of the county court for said county, or mayor of the said city, to summon a competent physician to attend upon an inquisition and give such assistance, by a *post mortem* examination, or otherwise, as may be required by said coroner, or the jury summoned by him; and such physician so attending shall be allowed a fee of ten dollars, to be paid as herein provided, in case of payment to the corner for his services.

§ 3. That said coroner shall have power to enforce the attendance of jurors, witnesses, and physician by peremptory attachment, to be issued by himself, directed to the sheriff or any constable of said county of Jefferson, pro-

1865. vided such jurors, witnesses, or physician shall fail or refuse to obey the summons of the said coroner.

§ 4. That this act shall take effect from its passage.

Approved January 21, 1865.

CHAPTER 648.

AN ACT authorizing the County Court of Gallatin county to Levy a Tax to raise a Recruiting Fund to avoid a Draft in said county.

WHEREAS, The citizens of the county of Gallatin, in a mass meeting held by them in the town of Warsaw, on the — day of —, 1864, appointed a military committee for said county, consisting of H. P. Close, C. F. Violet, Jonathan Howe, William Dean, John C. Gibson, Ralph Bright, James H. McDanell, B. F. Griffin, Hugh Montgomery, M. C. Ross, John J. Landram, and William C. Brown, empowering and authorizing them to raise a recruiting fund, not exceeding twenty thousand dollars, for the purpose of procuring recruits for said county, and relieving the citizens thereof from draft under the call made by the President of the United States on the — day of July, 1864, for five hundred thousand men; and whereas, the said military committee raised a military fund sufficient to procure recruits and to relieve said county of the then impending draft; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Gallatin county, a majority of all its justices being present, shall, at a called or regular term of said court, not later than the May term of said court, 1865, levy a tax to raise a fund, not exceeding twenty thousand dollars, or a sum sufficient to reimburse the said military committee in the amount raised and disbursed by them in procuring said recruits, and all necessary expenses incurred thereby, including the expenses that will be incurred in the collection of the tax hereby levied. The county court, in levying the said tax, shall levy the same upon the property assessed for taxation for the year 1865; or said court may, in its discretion, levy one half of said tax on the property listed for taxation for said year; and shall, at some called or regular term of said court, a majority of all the justices being present, levy one half thereof on the property assessed for the year 1866, said last named levy to be made before the May term of said court, 1866; said tax, in either instance, to be payable immediately upon said levy being made. But should the county court, in their discretion, levy a tax sufficient to pay one half of the amount to be raised upon the

1865.

property assessed for the year 1865, in that event they shall execute bonds to said committee, binding the faith and credit of said county for the payment of the residue of said recruiting fund unpaid, said bonds due and payable twelve months from the date thereof, and bearing interest at a rate not exceeding twelve per cent. per annum, to be fixed by the court; said bonds to be signed by a majority of the justices present and concurring therein; and attested by the clerk of the county court; which bonds, when executed, shall be binding upon the people of said county, and thereby become a county debt in the hands of the obligees. The county court of said county, a majority of the justices present, shall levy a tax upon the property assessed for the year 1866 for the full payment and liquidation of said bonds, and the interest accruing thereon, on or before the time aforesaid.

§ 2. Said justices, in their discretion, may levy a poll-tax on the white male citizens and free male colored persons over the age of twenty-one years, not exceeding fifteen dollars upon each tithe, or they may, if they think prudent, levy said poll-tax on the white and colored males within the military ages, to-wit: between the age of twenty and forty-five years, and not now in the service.

§ 3. The court aforesaid, at the time they levy said tax, shall also appoint a collector thereof, who shall, before he enters upon the collection of said tax, execute a bond, payable to the committee aforesaid, in double the amount of tax to be collected, with good and sufficient sureties, to be approved by the court, binding himself and sureties to collect and pay over said tax according to the provisions of this act; and he and his sureties shall be liable for a failure to perform his duty in the collection of the said tax and in payment of the same to said military committee on said bond, and to enforce the same suit may be brought against him and his sureties in the Gallatin circuit court by said committee, and in their own names, on said bond, or said committee may motion said collector and his sureties in the same manner as sheriffs and their sureties are now motioned by law before county courts for claims due county creditors, as provided by chapter 26, Revised Statutes, entitled "An act for the collection of the county levy." Said collector shall be allowed a sum, to be fixed by said court, not exceeding eight per cent. on the whole amount collected and paid by him to said military committee; when said tax is collected by the said collector he shall settle his accounts with said committee, retaining in his hands the sum due him for collection, and their receipt to him in full of all taxes levied and collected under the provisions of this act shall be his quietus; if the whole amount of said tax

1865.

should be levied by the court aforesaid upon the taxable property and tithes aforesaid for the year 1865, the same shall be due to said committee within three months from the date of the levy, and if half should be levied in the year 1865, and the other half in the year 1866, such half shall be due to said committee within three months from the date of such levy; and if not paid when due by the collector, the committee may proceed against said collector and sureties either by suit or motion. Said collector and sureties shall pay interest at the rate of twelve per cent. per annum upon whatever judgment may be recovered against them from the time said money was due.

§ 4. That the collector shall, as soon as practicable after the levy of said tax, give notice thereof for twenty days, by posting up notice at conspicuous places in each precinct in said county, of the time and place he will meet the taxpayers in such precinct and receive their tax; the time appointed in each precinct for collecting said tax shall not be less than three days, which days shall be named in said notice, after which time all those who have failed to meet said collector and pay said tax, in pursuance of said notice, said collector may add ten and one half per cent. to the whole amount of tax due from each tax-payer upon said levy, the same to be collected and retained by the collector as extra compensation for collecting the same.

§ 5. The collector aforesaid shall have all the power given to him to enforce the payment of said tax that is given to the sheriffs of this Commonwealth by law to collect the county levy and the revenue tax of the State, and may levy on, distrain, and sell property, in the same manner that sheriffs are allowed to do by the laws of this Commonwealth in the collection of the county levy and revenue tax.

§ 6. When said tax is fully collected and paid over by the collector to the aforesaid military committee, they shall make out a succinct statement of the moneys received by them, and how disbursed, and report fully their actings and doings to the county court of Gallatin county, which report shall be made by them to the first term of said court after their settlement with said collector, and shall be filed by the clerk thereof as part of the record of said court.

§ 7. All persons who claim said county for their residence, and are now in the service of the United States, and all persons who have been in said service for the period of twelve months, and all those who have been discharged from said service for disability, them and their property shall be exempt from taxation under the provi-

sions of this act, except the person and property of John J. Landram.

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§ 8. This act shall take effect from its passage.

Approved January 21, 1865.

CHAPTER 649.

AN ACT for the benefit of the Board of Internal Improvement of Scott County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the proviso in section one of an act, entitled "An act for the benefit of the Board of Internal Improvement for Scott county," approved February 14, 1837, be, and the same is hereby, repealed, and the location of the first gate of the road, in the section aforesaid, as now made, is hereby legalized, with all the rights and privileges as if it were not less than one mile from Georgetown.

§ 2. This act to take effect from its passage.

Approved January 21, 1865.

CHAPTER 650.

AN ACT to amend an act, entitled "An act concerning Mayfield Seminary and Graves College."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the third section of an act, entitled "An act concerning Mayfield Seminary and Graves College," approved March 2d, 1860, be so amended that the trustees therein provided shall be patrons of said Graves College.

Approved January 21, 1865.

CHAPTER 651.

AN ACT for the benefit of Thomas Conway, late Sheriff of Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Union county be authorized to receive the delinquent lists of Thomas Conway, late sheriff of said county, for the years 1857 and 1858, and settle with said Conway; and that the same shall be as valid as if said lists had been received and settlement made at the time prescribed by law.

§ 2. This act shall take effect from its passage.

Approved January 21, 1865.

1865.

CHAPTER 652.

AN ACT to allow the county court of Webster county to hold a Court of Claims for the year 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of Webster county to hold a court of claims for said county on the first Monday in April next, for the year 1864.

§ 2. This act shall be in force from its passage.

Approved January 21, 1865.

CHAPTER 653.

AN ACT to amend an act, entitled "An act to incorporate the Hustonville Christian Academy."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the Hustonville Christian Academy shall have full power and authority to sell and convey, by public or private sale, as they may deem advantageous to the said academy, the land and buildings owned by the said academy; but, as part of the contract with the purchaser or purchasers, a stipulation to be made that the buildings and land aforesaid shall be used for the purposes of education, according to the spirit of the act incorporating said institution: *Provided*, That if the same cannot be sold under the stipulations aforesaid for a sum sufficient to pay the debts now existing against the said academy, then said trustees shall have power to sell the same according to their best discretion.

§ 2. The money arising from the sale aforesaid shall be appropriated to the payment of the debts owing by the said institution. If there be any excess in price over the debts, then the same may be, in the discretion of the trustees, appropriated to educational purposes, or distribution *pro rata* among the donors of the academy.

§ 3. This act to take effect from its passage.

Approved January 21, 1865.

CHAPTER 654.

AN ACT for the benefit of Jacob Corbett, County and Circuit Court Clerk of Ballard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be granted to Jacob Corbett, county and circuit court clerk of the county of Ballard, to list and collect his uncollected fee bills; and

during said period he shall have power to distrain for said fee bills to the same extent as though they had been listed within the time now allowed by law: *Provided*, That said clerk shall be and remain liable for any illegal fee bill issued by him as he now is by law. 1865.

§ 2. This act to take effect from its passage.

Approved January 21, 1865.

CHAPTER 655.

AN ACT to authorize the Clerk of the County Court of Warren to deliver Railroad Tax Receipts to Executors, Administrators, and Guardians.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the clerk of the county court of Warren county to deliver to any executor, administrator, or guardian, or his or her legal representative, any railroad tax receipts that may have been, or may be, filed in the settlement of the accounts of said executor, administrator, or guardian, with the county court of Warren county, upon the filing of the receipt of said executor, administrator, or guardian, with said clerk, to be filed with said settlement.

§ 2. This act to take effect from its passage.

Approved January 21, 1865.

CHAPTER 656.

AN ACT to amend an act to establish the Police Court of Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever it shall happen that the police judge of Winchester shall be absent, or unable from any cause to attend and hold the courts contemplated by the act establishing said police court, and the police judge, if in attendance, cannot properly preside, it shall be the duty of the marshal upon such failure to notify the justice of the peace residing nearest the court-house of said county at that time in the county, and if not, then the next justice in the county nearest the court-house, of the failure or inability of said police judge to attend; and it shall be the duty of such justice to attend and hold such court, and for that purpose he is hereby vested with all the powers which are or may be by this law conferred upon said police judge; and he shall have the same fees for his services that the said judge would have been entitled to for like services; said justice shall have power to try all causes that said police judge was entitled to try, issue process, and make

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proper entry upon the records and sign his own name officially to the same; and his acts shall be as binding upon all parties as if done by the police judge of said court.

§ 2. This act to be in force from and after its passage.

Approved January 21, 1865.

CHAPTER 657.

AN ACT to amend the Charter of the Covington and Cincinnati Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the capital stock of the Covington and Cincinnati Bridge Company be, and the same is hereby, increased to one million two hundred and fifty thousand dollars, divided into shares of one hundred dollars each; and the increased stock of two hundred and fifty thousand dollars may be made preferred stock to the same extent, and shall be provided for; and the holders thereof shall have and enjoy all the benefits, advantages, and immunities that the holders of the present preferred stock have, and to which they are entitled.

§ 2. That when said company shall determine to issue more preferred stock, they shall give notice, by publication in a newspaper circulating in Cincinnati and Covington, of the opening of the books thereof; and the present stockholders shall have the privilege of subscribing for the same, to the exclusion of others, for thirty days, at the expiration of which period, if the board of directors deem it advisable, and as much stock has not been subscribed as desired, then others may be allowed to make subscriptions for such stock.

§ 3. The company may prescribe such terms to the subscribers of the said increased stock as will make the preferred stock stockholders equal, by charging interest upon such subscriptions at such rate as shall be deemed equitable; and it may also fix the times of payment, and declare forfeited any stock to the use of the company upon which any call shall remain due for thirty days after demand in person, or at the subscriber's residence or place of business, or by notice published for one week in some newspaper circulating in Cincinnati and Covington.

§ 4. Before subscriptions shall be received to such increased preferred stock, the stockholders shall have approved the same at a regular meeting or called meeting for the purpose, and a majority of the stock represented at such meeting shall be necessary to give such authority.

§ 5. That the company may create a sinking fund for the payment of its debt, and to that end may annually set

apart such portion of its earnings as may by the board of directors be considered proper; and the fund thus created may be vested in such manner as the board of directors may deem most safe and lucrative.

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§ 6. The Legislature hereby reserves the right to change, alter, or amend the original charter, all amendments thereof, and this amendment; but not so as to abridge or injure legal or equitable rights acquired thereunder.

§ 7. This act shall take effect from its passage.

Approved January 21, 1865.

CHAPTER 658.

AN ACT to incorporate Ashland Lodge, No. 370, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members, and those who may hereafter become members of Ashland Lodge, No. 370, of Free and Accepted Masons, in the town of Mount Vernon, Rockcastle county, Kentucky, and by that name and style shall have perpetual succession, and be capable of contracting and being contracted with, to sue and be sued, to plead and be impleaded, in all the courts of law and equity in this Commonwealth; of purchasing and holding such real and personal property as may be required for the use of said Lodge; to receive all necessary conveyances; to sell, convey, or dispose of all such real or personal estate as they may now have or may hereafter acquire; that the amount invested in real estate shall not at any time exceed the amount of ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be, and is hereby, confided to the master, senior and junior wardens, secretary, and treasurer, and their successors in office, as trustees thereof, who, or a majority of them, shall have power to make all contracts pertaining to the real or personal estate of said Lodge.

§ 3. That the said trustees shall have power to pass such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States or of this State, as may be necessary for the safe-keeping of the property and other interests of the Lodge; and may use a common seal, and change the same at pleasure; and in conveying real estate the whole board of trustees shall unite in such conveyance.

§ 4. The General Assembly hereby reserves the right to amend, alter, or repeal this act at pleasure.

§ 5. This act shall be in force from and after its passage.

Approved January 23, 1865.

1865.

CHAPTER 659.

AN ACT to incorporate the McHenry Petroleum and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and
corporate pow-
ers.

§ 1. That Henry D. McHenry and John Chapeze are created a body corporate, able by their common consent to receive and grant in law anything within the compass of their chartered franchises and privileges, to be denominated the "McHenry Petroleum and Mining Company," with the privilege and purpose of boring for petroleum oil, and mining for coal, on any lands which they have in Ohio county, or any other county or counties in Kentucky in which they may acquire lands, either by purchase or lease; and reducing the oil to burning fluid, paraffine, asphaltum, and to all its uses; trading in oil in its crude or refined state, and shipping it to foreign or domestic ports; lay conduct pipes and construct a railroad from their wells to a navigable river or a railroad now constructed or to be constructed, and to make connections and turn-outs for their purposes, &c. They and their associates and successors shall continue and have succession for an indefinite period, and by that name and style are hereby made as capable in law as individual citizens to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; also, shall have the power to purchase or lease and hold real estate for the purposes aforesaid, and to sell or lease any part they may desire, by deed or other conveyance; to borrow money for the benefit of said company, but not to have or exercise the power of loaning money or issuing bills or notes upon banking principles; also, after the company be organized, shall have the power to ordain and establish such by-laws, ordinances, and regulations as shall be necessary for the well-being and government of said corporation, and not contrary to the laws of this State or of the United States.

Capital stock.

§ 2. That the capital stock shall be \$1,000,000, divided into shares of \$20.

§ 3. That the president and directors shall regulate the proportion of stock which may be issued to each member on application.

Officers to be
elected, and
their powers
and duties.

§ 4. That the corporation shall hold a meeting as soon after the passage of this act as possible, for the purpose of organizing by the election of a president, vice president, secretary, treasurer, and board of directors, which shall be not less than three or more than seven; these officers, or a majority of them, to constitute a board to transact the business of the company, and to hold their offices for one year or until others are elected. At the expiration of each

year an election for said officers to be held, at such place as the board may direct, notice being given in two or more newspapers published in the State of Kentucky of the time and place of holding said election at least one month before holding said election, for one week; each stockholder shall have one vote for every share he or she may own; and any stockholder not present at any such meeting or election may vote by proxy, such proxy being a stockholder attending such meeting or election, and presenting his authority from his principal duly authenticated by two witnesses subscribing to his or her name.

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§ 5. That at every annual meeting it shall be the duty of the secretary to report, in writing, the financial condition of the corporation, its acts and doings, and at all times to have his books ready for inspection by the board of directors, and also at said meeting to declare the dividend, &c., directing the treasurer to settle and pay the same in conformity with his report; and further, that dividends may be declared and paid to stockholders half yearly, quarterly, or when the directors shall order. That the treasurer is at all times authorized to deposit money belonging to the corporation in any good and solvent bank at the risk of the corporation and stockholders.

Secretary to
make report.

§ 6. That nothing in this act shall be so construed as to confer banking power upon the corporation.

No banking
powers.

§ 7. The General Assembly reserves the right to alter, amend, or repeal this charter at will.

§ 8. This act to take effect from its passage.

Approved January 23, 1865.

CHAPTER 660.

AN ACT to incorporate the Eastern Kentucky Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Mason Brown, George W. Gallup, John Henderson, Harman Conley, Winsten Conley, and Laban T. Moore, and their successors and assigns, are hereby created a body-politic and corporate, under the name and style of "Eastern Kentucky Petroleum Company," and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter the same at pleasure; may make all necessary by-laws and regulations for the government of said company, not inconsistent with the laws of Kentucky or of the United States.

§ 2. Said company shall have power and authority to appoint any one or more of its members, or other person or

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persons, to manage, control, and direct the business of said company according to the by-laws, rules, and regulations which may from time to time be adopted by said company for its government and the transaction of its business.

§ 3. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each, which may be subscribed and paid for in such manner as may be prescribed by said company in its by-laws; and said shares may be transferred in such manner as said company, by its by-laws, may direct.

§ 4. The said company shall have power to hold such estate in Kentucky, by purchase, lease, or otherwise, as it may deem necessary and proper for carrying on the mining for coal, the smelting of iron ore, the conversion of timber into lumber, fire-clay into brick, to bore for oil and salt, and other products and deposits of all sorts in the earth, and the manufacturing and refining all the aforesaid articles, and the building of all necessary machinery therefor, with power to sell and convey all such products, materials, and estate, or any part thereof, at pleasure; and to the purposes aforesaid the business of said company shall be confined: *Provided, however,* That whatever may be necessary and expedient as incidental to said business, is not excluded from the power of said company; but no banking privileges are hereby granted to said company.

§ 5. The General Assembly retains the right of repealing or amending this charter at pleasure.

§ 6. This act shall take effect from and after its passage.

Approved January 23, 1865.

CHAPTER 661.

AN ACT to incorporate the Bullitt County Petroleum, Oil, Mining, and Manufacturing Company, and to develop the Minerals of said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names and corporate powers.

§ 1. That Bryan R. Young, Westley Phelps, and Richard H. Field, together with their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, under the name and style of "The Bullitt County Petroleum; Oil, Mining, and Manufacturing Company," and as such body corporate shall have power: 1st. To have succession by its corporate name and make contracts. 2d. To sue and be sued. 3d. To use a common seal, and to alter the same at pleasure. 4th. To hold by purchase or lease, dispose of, and convey real and personal estate to such amount as its business may require. 5th. To appoint such subordinate officers and agents as the business may require, prescribe their duties, and fix their compensa-

1865.

tion. 6th. To make by-laws not inconsistent with the laws of this State or of the United States, that may be necessary for the transfer of its stock, management of its property, and regulation of its affairs; and the same from time to time to alter, amend, or repeal.

§ 2. That said corporation be, and they are hereby, authorized to bore wells for pretroleum on lands owned by them, by purchase or lease, in said county of Bullitt, or which they may hereafter acquire in said county or elsewhere; to erect and operate fixtures and machinery for reducing the oil to its component elements, such as burning fluid, paraffine, asphaltum, &c., and to erect and operate furnaces and mills in said county of Bullitt for the manufacture of pig and bar iron and salt; and shall have power to own or lease warehouses, and at such places as the business of the company may require; and shall create and use such mode of transportation as they may deem proper.

Additional powers of company.

§ 3. That the capital stock in said company shall be one million of dollars, in shares of one hundred dollars each, but may be reduced by a vote of a majority of the stockholders, and by a like vote the amount of the separate shares may be likewise reduced.

Capital stock.

§ 4. That the stockholders shall annually elect five directors, who shall manage all the affairs of the corporation, and continue in office for one year and until their successors are selected and accept their appointment, one of whom shall be selected by the directors as president; and in all elections each share of stock shall entitle the holder to one vote; all vacancies to be filled by the board of directors.

Directors to be elected.

§ 5. The shares of stock in said company shall be deemed personal estate, and transferable on the books of the company agreeable to the rules prescribed by its by-laws. The stock shall be paid in such installments and at such times as the board of directors may require, and for default of payment the by-laws may authorize a forfeiture of the stock.

Stock personal estate.

§ 6. In case it is desired other companies may be formed for the purpose of boring for petroleum in said county of Bullitt, in the following manner: 1. Any five or more persons may unite as a company for that purpose by agreement in writing, designating the territory and its extent owned by them, and on which they propose to bore, and present the same to the judge of the Bullitt county court, who, if satisfied from his own knowledge, or from the report of a competent commissioner appointed for that purpose, that the parties have good title to the territory claimed by them, and are themselves responsible persons, shall enter an order on the record book of said county authorizing subscriptions of stock, appointing three or

Other companies may be formed, and how.

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more of the applicants or others commissioners to solicit and receive stock, and designating the name by which the company shall be known. Upon the report of said commissioners that they have secured by subscription of stock a developing fund of five thousand dollars, and the court shall be satisfied of their ability to pay, it shall be the duty of said judge to make an order establishing said company; and the subscribers to the stock, their successors and assigns, shall for that purpose become a body corporate, by the name selected, and by that name shall have perpetual succession; and have and enjoy to the extent of boring wells, refining oil, &c., the same privileges as are by this act conferred on the "Bullitt County Petroleum, Oil, Mining, and Manufacturing Company."

2. Notice of the application for the creation of companies under this section of this act, shall be given in the mode and manner required by the court.

§ 7. This act shall be in force from its passage, and the Legislature reserves the right to alter, amend, or repeal this charter at pleasure.

Approved January 23, 1865.

CHAPTER 662.

AN ACT to incorporate the Cumberland River Oil and Salt Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Curtis G. Hussey, Thomas M. Howe, Nicholas Veeder, John Nicholson, jr., and George W. G. Payne, their associates, successors, and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of "Cumberland River Oil and Salt Company," and by that name and style shall have perpetual succession, with power to contract and be contracted with, sue and be sued, in that name, in all courts and places; to have a common seal; to engage in mining and boring for petroleum or rock oil, salt water, and other valuable minerals, and in the manufacturing, refining, preparing for market, transporting, and selling oil and salt, and other products of said business and of the lands now owned or which may hereafter be owned by them in this State; to hold their meetings, and transport and sell their oil, salt, and other products, within or without the State; and to have all other powers needful and proper for the successful prosecution of their business, and for the execution of the powers herein granted.

§ 2. That said incorporators may organize said company by the appointment of a president and such other officers

and managers as they may deem necessary, at such time and place as they may designate by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules and regulations, as they may deem necessary, from time to time, for the government, management, and prosecution of the business of said corporation, not inconsistent with the constitution and laws of the United States or this State.

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§ 3. That the capital stock of said company shall be one million dollars, and said company shall have power to increase the same, from time to time, not exceeding \$2,500,000.

§ 4. That said company may buy, lease, or rent any suitable lands, mines, oil and salt rights and privileges, rights of way, and other property necessary for their business, and may dispose of the same, or any portion of it, by sale or otherwise. They may receive real estate, leaseholds, mining and boring rights, and rights of way, in payment of such part of the subscriptions as they may deem advisable. Said company may erect and build on any of their lands such buildings, engines, machinery, and fixtures as may be deemed convenient and proper for carrying on and conducting the business of said corporation.

§ 5. That this act shall take effect from and after its passage; and the right to repeal, alter, or amend this charter is reserved to the General Assembly.

Approved January 23, 1865.

CHAPTER 663.

AN ACT for the benefit of John T. Fleming, of the county of Fleming.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on payment by John T. Fleming of the tax on land lying in the county of Edmonson for the years 1861, 1862, and 1863, that the penalties for such defalcation be, and are hereby, remitted.

§ 2. That this act shall take effect from its passage.

Approved January 23, 1865.

CHAPTER 664.

AN ACT for the benefit of S. W. Owens, Sheriff of Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The further time until the first day of June, 1865, be, and is hereby, allowed S. W. Owens, sheriff of Ballard

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county, to return his delinquent list and pay over the revenue due the State from said county for the year 1864.

§ 2. That the Auditor, in his settlement with said sheriff for the revenue due the State from said county for the year 1864, be, and he is hereby, authorized to allow said sheriff a credit for the sum of fifty-two dollars and six cents, the amount of interest paid by said sheriff on a judgment against him for the revenue for the year 1863.

§ 3. This act shall take effect from its passage.

Approved January 23, 1865.

CHAPTER 665.

AN ACT to amend the Charter of the Louisville and Nashville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act, entitled "An act to charter the Louisville and Nashville Railroad Company," approved March 5, 1850, be, and the same is hereby, so amended as to authorize and require said president and directors of said company to construct and keep in repair all necessary and proper cattle-guards, suitable and sufficient for turning all kinds of cattle, and in range with the fences of proprietors crossing the track of said road, wherever the same are now, or may become hereafter, necessary; and for failing to construct said cattle-guards, they shall be responsible as for failures in duty provided for in the second section of said act to which this is an amendment.

Approved January 23, 1865.

CHAPTER 666.

AN ACT for the benefit of the Scott County Court.

WHEREAS, It is represented to this Legislature that the tract of land in Scott county, and its appurtenances, now vested in the Scott county court, and used for the purposes of the poor-house of said county, is badly located, and has become destitute of timber; yet, from its contiguity to the lands of others, can be now sold for a full and fair price, and the proceeds can be much more beneficially invested; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Scott county court, a majority of the justices being present and concurring therein, shall be, and they are hereby, authorized and empowered to sell and convey, upon such terms as they shall judge best, the

tract of land and appurtenances aforesaid, and in like manner to re-invest the proceeds of sale in another tract, to be held and used as the one so to be sold.

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§ 2. The said court may, by an order made and entered upon their record, direct and empower any member of said court to convey by deed in behalf of said court said tract to the purchaser.

§ 3. This act shall take effect from its passage.

Approved January 23, 1865.

CHAPTER 667.

AN ACT for the benefit of A. B. Baird, late County Judge of Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from the first day of January, 1865, be allowed to Alexander B. Baird, late county judge of Ohio county, to collect fee bills due him; and he is allowed the same right to levy and distrain that other similar officers have.

§ 2. This act to take effect from its passage.

Approved January 23, 1865.

CHAPTER 668.

AN ACT to amend the charter of the Shelbyville and Louisville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Shelbyville and Louisville turnpike road company are authorized to purchase and hold stock in the Louisville and Jefferson County Mechanical and Agricultural Association to an amount not exceeding four thousand dollars, as a natural person.

§ 2. That said turnpike road company may construct a branch road from near the intersection of said road and the Westport road, so as to intersect the Bardstown and Louisville turnpike road by way of the present work-house road; and said company shall have the right to locate said branch road along said route as may be deemed by them most practicable; and may condemn land needed for said branch road under the usual proceedings by writs of *ad quod damnum*.

§ 3. That said road company may increase their capital stock ten thousand dollars when said branch road is com-

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pleted ; and the Legislature reserves the power to amend, alter, or repeal this act.

§ 4. That this act is to take effect from its passage.

Approved January 23, 1865.

CHAPTER 669.

AN ACT to amend an act, entitled "An act to incorporate the St. John's Orphan Society of Covington," approved March 7th, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the fourth section of an act, entitled "An act to incorporate the St. John's Orphan Society of Covington," approved March 7th, 1850, is hereby repealed. The remainder of said act is continued in full force and effect.

§ 2. That so far as said society has incurred a forfeiture of its charter or other disability by non-compliance with said fourth section, the same is hereby removed ; and all the acts and proceedings of said society are hereby legalized and made valid, precisely as they would have been had said section been complied with, but no further nor otherwise.

§ 3. This act shall take effect from its passage.

Approved January 23, 1865.

CHAPTER 670.

A ACT to incorporate the First Unitarian Church of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Henry Pirtle, Edmund H. Lewis, E. A. Gardner, C. H. Lewis, Thos. Fosdick, A. G. Munn, and Geo. Davis, and their successors in office (of whom at least four shall be pew-owners), be incorporated by the name of the "First Unitarian Church of Louisville," and by that name shall have perpetual succession ; may sue and be sued, implead and be impleaded ; may purchase, receive, and otherwise acquire and hold property, real, personal, and mixed, and may sell, lease, and otherwise dispose of the same ; may have a corporate seal, and change the same at pleasure ; and may make contracts and adopt by-laws not inconsistent with the laws of this Commonwealth.

§ 2. That the seven persons named in the first section of this act be, and they are hereby, constituted corporation officers of said church, to be called trustees, who shall severally hold their offices and manage the affairs of said corporation for the period of one year, and until others shall be chosen to fill their places, agreeably to such rules as

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may be deemed for that purpose by said corporation; and they shall have power to fill any vacancies in their number as they may occur.

§1. That all the real and personal estate at present held in or held in trust for the use and benefit of, said churches and congregations, be vested in the corporation created by this act, and this act shall be subject to amendment or repeal at the discretion of the Legislature, and shall go into effect from its passage.

Approved January 22, 1865.

CHAPTER 671.

AN ACT for the benefit of Cave Hill Cemetery of Louisville.

WHEREAS, Several years ago Mrs. Susan P. Christy, now Susan P. Hepburn, purchased of David Ross, late superintendent of said company, several lots in their cemetery, paying therefor five hundred dollars in cash, and agreeing to convey in further payment a certain parcel of land on Howard street; and whereas, said Susan P. Hepburn has, in pursuance of her agreement, conveyed to said company said parcel of land, but it is doubtful whether said company could take title to the same, except for cemetery purposes, to which the same is not adapted; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That the title of said cemetery company in and to said lot is confirmed, and they are authorized to sell, exchange, lease, or otherwise dispose of the same at pleasure.

Approved January 23, 1865.

CHAPTER 672.

AN ACT to amend the Charter of the Barren County Railroad Company.

WHEREAS, By an act of this General Assembly, passed and approved February 13, 1858, the time for the payment of the last four installments of the subscription of stock made by the president of the board of trustees of Glasgow on behalf of, and for said town of Glasgow, to the capital stock of the Barren County railroad company, was extended to four years, and the payment thereof directed to be made in eight equal installments at the times in each year specified in and by the terms of said subscription; and for that purpose said board was authorized and required to levy on the property of said town subject to taxation a tax sufficient to raise (exclusive of the cost of collection, &c.), in each of the years 1858, 1859, 1860, and 1861, the

1865.

pleted ; and the Legislature reserves the power to amend, alter, or repeal this act.

§ 4. That this act is to take effect from its passage.

Approved January 23, 1865.

CHAPTER 669.

AN ACT to amend an act, entitled "An act to incorporate the St. John's Orphan Society of Covington," approved March 7th, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the fourth section of an act, entitled "An act to incorporate the St. John's Orphan Society of Covington," approved March 7th, 1850, is hereby repealed. The remainder of said act is continued in full force and effect.

§ 2. That so far as said society has incurred a forfeiture of its charter or other disability by non-compliance with said fourth section, the same is hereby removed ; and all the acts and proceedings of said society are hereby legalized and made valid, precisely as they would have been had said section been complied with, but no further nor otherwise.

§ 3. This act shall take effect from its passage.

Approved January 23, 1865.

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§ 2. That the seven persons named in the first section of this act be, and they are hereby, constituted corporation officers of said church, to be called trustees, who shall severally hold their offices and manage the affairs of said corporation for the period of one year, and until others shall be chosen to fill their places, agreeably to such rules as

may be adopted for that purpose by said corporation; and they shall have power to fill any vacancies in their number which may occur.

1865.

§ 3. That all the real and personal estate at present belonging to, or held in trust for the use and benefit of, said church and its congregation, be vested in the corporation created by this act; and this act shall be subject to amendment or repeal at the discretion of the Legislature, and shall go into effect from its passage.

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WHEREAS, Several years ago Mrs. Susan P. Christy, now Susan P. Hepburn, purchased of David Ross, late superintendent of said company, several lots in their cemetery, paying therefor five hundred dollars in cash, and agreeing to convey in further payment a certain parcel of land on Howard street; and whereas, said Susan P. Hepburn has, in pursuance of her agreement, conveyed to said company said parcel of land, but it is doubtful whether said company could take title to the same, except for cemetery purposes, to which the same is not adapted; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

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§ 2. That so far as said society has incurred a forfeiture of its charter or other disability by non-compliance with said fourth section, the same is hereby removed ; and all the acts and proceedings of said society are hereby legalized and made valid, precisely as they would have been had said section been complied with, but no further nor otherwise.

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may be adopted for that purpose by said corporation; and they shall have power to fill any vacancies in their number which may occur.

1865.

§ 3. That all the real and personal estate at present belonging to, or held in trust for the use and benefit of, said church and its congregation, be vested in the corporation created by this act; and this act shall be subject to amendment or repeal at the discretion of the Legislature, and shall go into effect from its passage.

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§ 2. That so far as said society has incurred a forfeiture of its charter or other disability by non-compliance with said fourth section, the same is hereby removed ; and all the acts and proceedings of said society are hereby legalized and made valid, precisely as they would have been had said section been complied with, but no further nor otherwise.

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1865.

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A ACT to incorporate the First Unitarian Church of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Henry Pirtle, Edmund H. Lewis, E. A. Gardner, C. H. Lewis, Thos. Fosdick, A. G. Munn, and Geo. Davis, and their successors in office (of whom at least four shall be pew-owners), be incorporated by the name of the "First Unitarian Church of Louisville," and by that name shall have perpetual succession ; may sue and be sued, implead and be impleaded ; may purchase, receive, and otherwise acquire and hold property, real, personal, and mixed, and may sell, lease, and otherwise dispose of the same ; may have a corporate seal, and change the same at pleasure ; and may make contracts and adopt by-laws not inconsistent with the laws of this Commonwealth.

§ 2. That the seven persons named in the first section of this act be, and they are hereby, constituted corporation officers of said church, to be called trustees, who shall severally hold their offices and manage the affairs of said corporation for the period of one year, and until others shall be chosen to fill their places, agreeably to such rules as

may be adopted for that purpose by said corporation; and they shall have power to fill any vacancies in their number which may occur.

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§ 3. That all the real and personal estate at present belonging to, or held in trust for the use and benefit of, said church and its congregation, be vested in the corporation created by this act; and this act shall be subject to amendment or repeal at the discretion of the Legislature, and shall go into effect from its passage.

Approved January 23, 1865.

CHAPTER 671.

AN ACT for the benefit of Cave Hill Cemetery of Louisville.

WHEREAS, Several years ago Mrs. Susan P. Christy, now Susan P. Hepburn, purchased of David Ross, late superintendent of said company, several lots in their cemetery, paying therefor five hundred dollars in cash, and agreeing to convey in further payment a certain parcel of land on Howard street; and whereas, said Susan P. Hepburn has, in pursuance of her agreement, conveyed to said company said parcel of land, but it is doubtful whether said company could take title to the same, except for cemetery purposes, to which the same is not adapted; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the title of said cemetery company in and to said lot is confirmed, and they are authorized to sell, exchange, lease, or otherwise dispose of the same at pleasure.

Approved January 23, 1865.

CHAPTER 672.

AN ACT to amend the Charter of the Barren County Railroad Company.

WHEREAS, By an act of this General Assembly, passed and approved February 13, 1858, the time for the payment of the last four installments of the subscription of stock made by the president of the board of trustees of Glasgow on behalf of, and for said town of Glasgow, to the capital stock of the Barren County railroad company, was extended to four years, and the payment thereof directed to be made in eight equal installments at the times in each year specified in and by the terms of said subscription; and for that purpose said board was authorized and required to levy on the property of said town subject to taxation a tax sufficient to raise (exclusive of the cost of collection, &c.), in each of the years 1858, 1859, 1860, and 1861, the

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sum of eight thousand three hundred and thirty-three dollars and thirty-three and a third cents, and which, when collected, should be paid in two equal installments in each of said years to said railroad company, in payment of so much of said subscription; and whereas, said act provided and directed that the assessor of tax of said town who should assess the property thereof for taxation to pay said subscription should commence his duties in the year 1858, and in each subsequent year thereafter on the 10th day of April, and should complete his book and return the same on or before the 1st day of May of each year. And it is by said act made the further duty of said assessor to administer to each of the persons, whose list of taxable property he should take, a certain oath, therein specified, and to report to the president of said board of trustees any and all persons who should refuse to take said oath; and whereas, said trustees failed and neglected to have the property in said town subject to said tax assessed and levied for the said installment for the year 1861 until in the year 1864, when they did appoint Peter G. Wooten assessor for said town to assess the property thereof subject to taxation for the purpose aforesaid; and said Wooten did proceed to assess said property, as by said act was directed, and made and returned to the president of said board of trustees his assessor's book, with a report of those who had refused to take said oath. But he did not enter upon the duties of his said office on the 10th day of April, or make return of his book on or before the first day of May; and whereas, doubts exist as to the power of said trustees to assess said property and collect said installment of 1861 in the year 1864; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action and proceedings of said board of trustees of the town of Glasgow, in the appointment of said Wooten as assessor aforesaid, and his assessment of the property of said town in the year 1864 for the purposes aforesaid, and all his proceedings under said appointment, and all the proceedings and acts of said trustees in relation thereto, be, and the same are hereby, legalized and declared to be as binding and effectual as if said trustees had, in the year 1861, assessed the property of said town and levied and collected said installment for 1861; and they are hereby declared to have full power to levy said installment upon the property of said town as assessed, and as appears from said book returned to them by said Wooten, and they are required to do so and proceed to its collection for the purpose aforesaid; and for that purpose may appoint a collector, as provided in said act, and he is vested with full power to collect.

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§ 2. *Be it further enacted*, That in every case where any individual has refused to take the oath aforesaid required to be administered by said assessor, and who has been reported by the said assessor to the president of said board, the said president shall issue a summons against such defaulter and proceed as is provided in said act. And if such person shall still stand out in default, said president of said board is hereby vested with power and is required to render and enter up judgment against him for the same penalties prescribed and allowed in said act, to be recovered before the police judge of said town or the county judge, or any justice of the peace of Barren county, and proceed to the collection thereof by execution or *capias pro fine*, or he may prosecute the recovery by warrant, as provided in said act, before said police judge or a justice of the peace or the judge of the quarterly court.

§ 3. *Be it further enacted*, That the sixteenth section of the act, entitled "An act to incorporate the Barren County railroad company," approved 9th February, 1856, be, and the same is, so amended, that whenever any tax collector appointed to collect the tax due from the persons and property of the town of Glasgow for the purposes aforesaid shall sell any real estate in said town to raise said tax, the owner thereof shall have the right to redeem the same, as provided in said section of said act, only within one instead of five years.

§ 4. *Be it further enacted*, That the president and directors of said Barren County railroad company shall, and are hereby, declared to be vested with full power and authority to convey and transfer to one or more individuals, or to any corporate company of individuals, whenever they shall deem it best to do so, all the stock subscribed to said company, and all the property of said company in said road, and all the road, road-bed, and corporate privileges, franchises, &c., so as to better secure the building of said road.

§ 5. That when the said board of trustees shall believe that the assessment of the property of any of the taxpayers as made by said motion is not a fair one, they shall have power, upon written notice to any such person, to increase the list of such person to such an amount as the facts before them may warrant; or, upon the application of any tax-payer, may reduce his list, if the facts warrant such reduction.

§ 6. This act shall take effect from its passage.

Approved January 23, 1865.

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CHAPTER 673.

AN ACT to incorporate the International Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created in the city of Louisville, by the name of the "International Oil Company," a body corporate and politic, the stockholders of which, their successors and assigns, shall have perpetual succession; and by that name said corporation may sue and be sued, contract and be contracted with; may purchase, hold, use, sell, lease, convey, and take by gift all real and personal property necessary and requisite to carry out its legitimate purposes and the object of its creation. The general business of said corporation shall be to extract and dig for oil, and to prepare and dispose of the same for the benefit of its stockholders; and to mine and develop any coal, stone, iron, or other minerals; they shall have the power to purchase, lease, and sell any land necessary for their business in this State or elsewhere; and to erect and carry on an oil refinery.

§ 2. The said company may appoint such officers and agents as may be necessary for the conducting of their business, which shall be under the direction of four directors; the directors shall elect one of their number president; and may declare such dividends as they may deem proper.

§ 3. That John Coleman, John D. O'Leary, Thomas C. Coleman, and B. Dupont are hereby appointed commissioners; any three of whom may open books and receive subscriptions for the capital stock of said company, which shall be in shares of twenty-five dollars each; and when five hundred shares shall have been subscribed, they shall appoint a day for the election of a board of directors, who shall hold office until the annual election.

§ 4. The payment of the shares shall be as follows: There shall be paid at the time of subscribing to the capital stock of said company, to the said commissioners not less than the sum of five dollars on each share; and after the election calls shall be made on each subscriber, in such manner and in such amounts as the board of directors may direct; and if any subscriber shall fail to pay said calls for the space of two months, the same, with accrued interest thereon, may be recovered in any court in this Commonwealth having jurisdiction of such sums; or the board of directors, upon service of ten days' notice on such defaulting subscriber, may declare the stock and the calls paid thereon forfeited for the benefit of the company, if not promptly paid. Said company shall have a lien on its stock for any debts owing it by its stockholders.

§ 5. The capital stock of said company shall not exceed, at any time, two millions five hundred thousand dollars.

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§ 6. The said company, through its agents, may sell any portion of its stock in Europe, or any foreign country, subject to the requirements of section four of this act; and the Legislature reserves the right to amend, alter, or repeal this act.

§ 7. That nothing in this act shall be construed as conferring banking privileges or powers upon this corporation.

§ 8. This act shall take effect from its passage.

Approved January 23, 1865.

CHAPTER 674.

AN ACT to amend an act, entitled "An act to incorporate the Hodgenville Male and Female Seminary," approved March 1, 1848, and the amendment thereto, approved March 7, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the trustees, or a majority of them, of the Hodgenville Male and Female Seminary, on their application to the county court of Larue county for the purpose of taking up and entering vacant land or lands in said county, under the act to which this is an amendment, it shall be the duty of said court to order the clerk thereof to issue a warrant or warrants to said trustees for any vacant land in said county; and in the taking up and entering said land, said trustees shall not be restricted to any number of acres, as is provided by law in reference to vacant lands in this Commonwealth.

§ 2. That when warrants are issued to said trustees in the manner prescribed in the foregoing section, it shall be the duty of them, or a majority of them, to have the land or lands so intended to be entered, to have the same surveyed, and send a copy of said survey or surveys, and the warrant or warrants of the county court therefor, to the Register of the Land Office of this Commonwealth, whose duty it shall be to issue a patent or patents therefor to the trustees aforesaid.

§ 3. The trustees aforesaid, or a majority of them, may sell and convey any land or lands so patented to them for the benefit of the seminary aforesaid, and they may also sell any of the land or lands named in this act that they have taken out a warrant or warrants for, after having surveyed the same, by an assignment on the back of the warrant or warrants; and surveys and patent or patents shall be issued to the assignee for the same, and shall be as valid

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as though the same had been issued to the trustees aforesaid.

§ 4. This act shall be in force from its passage.

Approved January 23, 1865.

CHAPTER 676.

AN ACT to raise a Bounty Fund in Bracken county, and for other purposes.

WHEREAS, It is represented to this General Assembly that the county court of Bracken county, at the court of claims in October, 1864, a majority of all the justices of the peace of said county concurring, offered a local bounty for volunteers to fill the quota of said county, under the recent call of the President of the United States for 500,000 men for the army of the United States; and under the offer of bounties volunteers were raised and money advanced by sundry persons and borrowed by the county to pay said bounties; now, therefore, for the purpose of providing a fund to pay said bounties or the money advanced or borrowed by the county court for that purpose,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Bracken county shall have power and authority, and it shall be the duty of said court, a majority of all the justices concurring, at its regular court of claims, or at any other term of said court, to levy and assess upon the taxable property of said county assessed for State revenue purposes for the year 1865, and from year to year until the amount of money advanced or borrowed for the purposes above named shall be paid, with its interest, if a sufficient amount shall not be levied in the year 1865.

§ 2. That it shall be the duty of the sheriff or other officer of the State revenue in said county to collect and account for the tax assessed under the provisions of the first section of this act, at the same time and in the manner required in relation to the collection of the public revenue of the State, and pay the same over to the order of the Bracken county court.

§ 3. Bond with good security, to be approved of by the county judge, shall be executed in the Bracken county court by the sheriff or other officer charged with the collection of said tax, payable to said county, stipulating for the faithful discharge of the duties of said sheriff or officer under the provisions of this act, and upon which said court, or any person aggrieved, may have the same reme-

dies provided by law against defaulting sheriffs in the collection of the revenue in said county.

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§ 4. This act shall take effect from and after its passage.

Approved January 23, 1865.

CHAPTER 677.

AN ACT to authorize the Washington County Court to levy an *ad valorem* Tax for the purpose of building a new Jail.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Washington county, a majority of the justices of the peace for said county being present at a regular term of said court and concurring therein, shall have power to levy a tax of not exceeding ten cents on each one hundred dollars' worth of property in said county liable to taxation for revenue purposes, in each year, for the purpose of building a new jail for said county; and the money thus raised shall be applied to no other purpose.

§ 2. That the sheriff of Washington county shall collect the said tax at the same time and in the same manner, by distress or otherwise, that he is required by law to collect the State revenue; and shall in each year account for the said tax at the same time that he is now by law required to account for the county levy, and shall receive the like commissions for so doing; and he and his sureties shall be responsible for the non-collection or non-payment of the same, in the same manner and to the same extent that they are responsible for the State revenue. The Washington circuit court shall have jurisdiction, by motion, to render judgment for the same and damages.

§ 3. This act shall take effect from its passage.

Approved January 23, 1865.

CHAPTER 678.

AN ACT to incorporate the Lebanon Female Academy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. P. Mahon, C. Beeler, J. M. Cardwell, H. B. Ray, William T. Knott, O. Ames, William B. England, J. R. Thomas, and their successors, be, and they are hereby, constituted a body-politic and corporate, under the name and style of the "Trustees of the Lebanon Female Academy," and by that name they shall have perpetual succession; with power to adopt and use a com-

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mon seal, and change the same at pleasure; to make contracts for the benefit of said academy; to sue and be sued in any of the courts of this Commonwealth; to acquire by gift, grant, deed, devise, purchase, or otherwise, any real or personal estate for the use of said academy, not exceeding twenty thousand dollars in value; to sell and dispose of the same at pleasure, and re-invest the proceeds in such real or personal estate for the use of said academy as they may deem proper.

§ 2. The trustees named in the first section of this act may elect from their own body a president, treasurer, and secretary, who shall discharge the duties required of them, from time to time, in compliance with such regulations and by-laws as said trustees may make for the management of the institution, not inconsistent with the constitution and laws of the United States and of this State; a majority of said trustees shall form a quorum to do business; they shall have power to employ officers, agents, teachers, and assistants, to fix their salaries, regulate and fix tuition fees, and in every way to manage and conduct the financial and educational interests of the institution.

§ 3. The trustees shall have power to confer degrees of honor and merit, and diplomas of graduation in literature, science, and arts; prescribe the course of studies in the institution; they shall have power to fill vacancies in their number occasioned by death, resignation, or removal.

§ 4. This act shall take effect from and after its passage; the Legislature reserves the right to alter, amend, or repeal this charter.

Approved January 23, 1865.

CHAPTER 679.

AN ACT for the benefit of the Sheriff of Caldwell County.

WHEREAS, It is represented that the county of Caldwell is so infested with roving bands of guerrillas and robbers, that it is unsafe for the sheriff of said county to go to the different precincts and neighborhoods in the county to collect the revenue and county levy; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for the sheriff or collector of the revenue and county levy of the county of Caldwell to attend at the town of Princeton, the county seat of said county, between the 1st day of September and the 15th day of October in each year, to receive the taxes not theretofore collected; and it shall be the duty of such of the tax-payers of said county as have not paid their

taxes, to pay the same due by them within the time mentioned; notice of the time and place designated shall be given by the sheriff or collector, by posting the same on the court-house door in said town, and at some public place in each precinct in said county, at least thirty days before the first day of September in each year.

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§ 2. This act to take effect from its passage, and continue in force for two years.

Approved January 23, 1865.

CHAPTER 680.

AN ACT to incorporate the Green River Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. H. Sneed and W. R. Boyce, of Boyle county, and Richard M. Robinson, of Garrard county, be, the same are hereby, appointed commissioners to open books for the subscription of stock to a company known and designated as the "Green River Oil Company," the object of which is to develop the petroleum and other mineral resources of such portions of the State of Kentucky as the company may own or acquire by purchase, lease, or freehold, and refine or manufacture the same for market, and transport the same to the most eligible general highways; and the said company is hereby declared a body-politic and corporate; and they may have perpetual succession; may sue and be sued, plead and be impleaded, contract and be contracted with; may have and use a common seal; may purchase, convey, and hold any real or personal estate necessary for carrying on the business of said company; and may make such rules and regulations for the government of their own affairs as they may think proper, not inconsistent with the laws of the State or of the United States.

§ 2. The capital stock of said company shall consist of one hundred thousand shares, of twenty dollars each, which may, at the option of the company, at any time, be raised to two hundred thousand shares, of twenty dollars each; and it is further enacted that the company may receive lands, or oil wells, or machinery, or water power, to constitute a part of the capital stock of said company, on such terms as may be agreed upon by the owners of such lands, oil wells, water power or machinery, and the company; and the shares of the same shall be deemed personal property, and may be transferred upon the books of the company.

§ 3. The business of the company shall be the development of the oil or other minerals upon their lands, and the

1865. preparing of the same for market, and the further use and manufacture of such productions of their lands as they may deem fit to develop or prepare for market, including the erection of mills and manufactories; and the company may construct turnpike roads or railroads to or from any of their works or depots, to any points within the State of Kentucky where they may find the most eligible outlet to the general market or local demand for their articles, and may charge per capita and per ton the same rates of toll on such completed turnpike roads or railroads, or any completed portion of the same, as are charged on the Danville and Hustonville turnpike road and the Louisville and Nashville railroad, for similar improvements.

§ 4. As soon as three hundred shares as aforesaid shall have been subscribed, the stockholders, or their authorized representatives or proxies, may hold a meeting at such time and place as may be designated by the aforementioned commissioners, and proceed to elect president and directors, and do and perform all and singular the acts required, and receive the benefits granted in the fourth and fifth sections of an act to incorporate the "Greasy Creek and Poplar Mountain Oil, Mining, Manufacturing, Lumber, and Transportation Company," approved January 17th, 1865, not incompatible with the vested interests of said company, to which act reference is made; and the provisions of said charter contained in the fourth and fifth sections are hereby made a part of this charter.

§ 5. Nothing contained in this act shall be construed as conferring banking powers upon this corporation.

§ 6. The General Assembly reserves the right to alter, amend, or repeal this charter at pleasure.

§ 7. This act to take effect from its passage.

Approved January 24, 1865.

CHAPTER 682.

AN ACT to change the time of holding the Police Court of Harrodsburg for the trial of Civil Cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the regular terms of the police court of Harrodsburg for the trial of civil cases shall be held on the fourth Mondays of February, May, August, and November of each year, instead of the times now provided for by law.

§ 2. That all precepts and process and actions shall be returnable and stand for trial at the times stated above, instead of those heretofore provided by law.

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§ 3. This act to take effect from its passage.

Approved January 24, 1865.

CHAPTER 683.

AN ACT for the benefit of Martin Bailey, Jailer of Monroe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Martin Bailey, jailer of Monroe county, be allowed to live any distance from the jail that he may see proper: *Provided, however,* He shall reside within the corporate limits of the town of Tompkinsville.

§ 20. This act to take effect from and after its passage.

Approved January 24, 1865,

CHAPTER 684.

AN ACT to authorize the County Court of Wayne County to grant Tavern Licenses.

WHEREAS, It has been made known to the present General Assembly of the Commonwealth of Kentucky that there has been no board of trustees elected in the town of Monticello since the commencement of the present rebellion; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Wayne county, upon application, shall be authorized to grant and issue tavern licenses until such time as there shall be a board of trustees elected in the said town of Monticello.

§ 2. This act to take effect from and after its passage.

Approved January 24, 1865.

CHAPTER 685.

AN ACT to authorize the County Judge to increase the County Levy five cents on each tithe in Nelson County for the year 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of Nelson county may, at the March or April term of the county court for said county in the year 1865, levy an additional tax of five cents on each tithe in the county aforesaid; to be collected the present year, for the purpose of defraying the expenses incurred in adjusting and superintending the enrolling of

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the militia for said county; and the sheriff of said county is required to collect the same, and pay it to those who are entitled to the same, at the time he is required to pay the other county levy for said county.

§ 2. This act to take effect from its passage.

Approved January 24, 1865.

CHAPTER 689.

AN ACT for the benefit of the Knox County Seminary.

WHEREAS, It is represented to this General Assembly that two of the trustees of the Knox County Seminary are dead, the other removed from the county; now, for the purpose of protecting the fund set apart for seminary purposes in Knox county, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Tuggle, William Sawyers, and Thos. Faulkner, be, and they are hereby, appointed trustees to manage and govern said seminary fund.

§ 2. That the trustees now or that may hereafter be appointed shall be required, before entering upon the duties of their office, to give bond, with approved security, to the county judge, for all sums that may come into their hands for seminary purposes.

§ 3. That the trustees are hereby empowered to receive and receipt for all funds that are now in the surviving trustees' hands; that they are also vested with the power to sell and convey any or all lands heretofore donated for seminary purposes to Knox county, whenever, in their judgment, the best interests of the seminary require it. If, however, a majority of the trustees deem it inexpedient to commence the seminary building under the present unsettled condition of affairs, they are hereby authorized to loan out or invest on interest, in safe hands, such funds as may come into their hands, until such a time as they may think it safe to commence the seminary building.

§ 4. That the county judge of Knox county shall fill all vacancies that may occur in the board of trustees. Should either or all of the present ones appointed by this act refuse or fail to qualify, shall be also filled by appointment by the county judge.

§ 5. That the trustees be, and they are hereby, authorized to sue for and collect by law all sums that are now due or that may hereafter become due to the seminary fund of Knox county. Their title shall be the board of trustees for the Knox County Seminary fund.

§ 6. That the county judge of Knox county shall allow the trustees thus acting a reasonable compensation for their services, to be paid out of the seminary fund. 1865.

§ 7. That all acts that come in conflict with the provisions of this act are hereby repealed.

§ 8. This act to be in force from its passage.

Approved January 24, 1865

CHAPTER 690.

AN ACT to amend an act, entitled "An act to amend and reduce into one all the acts concerning the town of Bowling Green," approved March 5, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, whereas, by the thirty-second section of the act to which this is an amendment, the town of Bowling Green is restricted to twenty acres in the purchase of land, either within or without the limits of said town, for cemetery purposes; and whereas, said town, as the best that could be done, and for the requirements of the necessities of said town, has purchased of W. W. McNeal thirty acres of ground for cemetery purposes, and have gone on to inclose and improve the same; now said trade and purchase is hereby ratified, sanctioned, and confirmed to as full an extent as if said town had had by said thirty-second section the full power and authority to purchase thirty acres instead of twenty acres; and said section is hereby so amended as to read thirty acres instead of twenty acres.

§ 2. The said town of Bowling Green shall have power to improve the ground mentioned in the first section hereof, and appoint a keeper thereof; also, to sell small parcels of said ground to individuals, for the purpose of interment; said town shall also have the power to improve the road between the limits of the town and said cemetery ground.

§ 3. That so much of section thirty-four, of the act to which this is an amendment, as requires all by-laws and ordinances to be published in some newspaper published in said town, be so amended, that, in the event of no newspaper being published therein, publication of any by-laws or ordinances may be made by the chairman of the board of trustees, causing not less than twenty-five printed copies of such by-laws or ordinances to be posted in the most public places in said town; said by-laws or ordinances not to take effect until after thirty days from the publication thereof.

§ 4. This act to take effect from its passage.

Approved January 24, 1865.

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CHAPTER 692.

AN ACT for the benefit of F. Willis, Sheriff of Trimble County.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That further time till the first day of May next be, and the same is hereby, given to Flournoy Willis, sheriff of Trimble county, within which to return to the Auditor of Public Accounts his delinquent list for said county for the year 1864.

§ 2. This act to be in force from its passage.

Approved January 24, 1865.

CHAPTER 693.

AN ACT for the benefit of M. A. Marshall.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Martha A. Marshall, wife of W. B. Marshall, is hereby made capable in law of making contracts, and of acquiring and holding property, real or personal, free from the control of her said husband, in the same manner as if she were a *feme sole*; and in like manner to sell, convey, or otherwise dispose of the same.

§ 2. This act to take effect from its passage.

Approved January 24, 1865.

CHAPTER 696.

AN ACT to incorporate the Breckinridge Petroleum Company of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Alfred Allen, T. W. Owings, William Watkins, David Looney, Samuel B. Thomas, and Gideon P. Jolly, of Kentucky, and Charles F. Sanford, of New York, and J. B. Huylin, of Pennsylvania, are created a body-corporate, able by their common consent to receive and grant in law anything within the compass of their chartered franchises and privileges, to be denominated the Breckinridge Petroleum Company of Kentucky, with the purpose and privilege of boring for petroleum oil on any lands which they have in Breckinridge, Meade, Grayson, or any other counties, also upon any lands they may purchase or lease in any of the above counties, and reducing the oil to burning fluid, paraffine, asphaltum, and all its uses; trading in oil in its crude or refined state, and shipping it to foreign or domestic ports; lay conduct pipes and construct a railroad from their wells to a navigable river or a rail-

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road now constructed or to be constructed, and to make connection and turn-outs for their purposes; they and their associates and successors shall continue and have succession for an indefinite period, and by that name and style are hereby made as capable in law as individual citizens to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; also, shall have the power to purchase or lease and hold real estate for the purpose aforesaid, and to sell and lease any part they may desire by deed or other conveyance; to borrow money for the benefit of the company, but not to have the privilege of loaning money or issuing notes or bills on banking privileges; also, after the company be organized, shall have the power to ordain and establish such by-laws, ordinances, and regulations as shall be necessary for the well-being and government of said corporation, and not contrary to the laws of the State or of the United States.

§ 2. That the capital stock shall be \$1,000,000, divided into shares of \$25.

§ 3. That the president and directors shall regulate the amount of stock which may be issued to each member on application.

§ 4. That the corporation, or any three of them, shall hold a meeting, as soon after the passage of this act as possible, for the purpose of organizing by the election of a president, vice president, secretary, treasurer, and board of directors, which shall be not less than three or more than seven; these officers, or a majority of them, to constitute a board to transact the business of the company, and to hold their offices for one year or until others are elected; at the expiration of each year an election to be held for said officers at such place as the board may direct, notice being given in two or more newspapers published in Kentucky of the time and place of holding said election, at least one month before the time of holding said election, for one week. Each stockholder shall have one vote for each share he or she may own; and any stockholder not present at any such meeting may vote by proxy, such proxy being a stockholder attending such meeting or election, and presenting his authority from his principal duly authenticated by two witnesses subscribing to his or her name.

§ 5. That at every annual meeting it shall be the duty of the secretary to report, in writing, the financial condition of the corporation, its acts and doings, and at all times to have his books ready for inspection by the board of directors, and also, at said meeting, to declare the dividends, &c., directing the treasurer to settle and pay the same in

1865.

conformity with his report; and further, that dividends may be declared and paid to stockholders half yearly, quarterly, or when the directors shall order. That the treasurer is at all times authorized to deposit money belonging to the corporation in any good and solvent bank, at the risk of the corporation and stockholders.

§ 6. That nothing in this act shall be so construed as to confer banking powers or privileges to this company.

§ 7. This act to take effect from its passage; and the Legislature reserves the right to repeal, alter, or amend this charter at pleasure.

Approved January 25, 1865.

CHAPTER 697.

AN ACT to increase the County Levy of Henry County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Henry county court, at any regular term thereof, and a majority of the justices of the peace being present and concurring therein, shall have power, in addition to the county levy now allowed by law, to levy a tax of not exceeding five cents on each one hundred dollars of the property of said county liable to taxation for State revenue, for the purpose of paying the debts of said county; that the sheriff of said county shall collect the same in the same manner that he collects the State revenue, and shall pay over and account for the same at the same time that, by law, he is required to pay over the county levy, and shall have the same commission for so doing; and he and his securities shall be responsible for the same in the like manner and to the same extent that he is for the county levy.

§ 2. This act to be in force from and after its passage, and to continue until the present debt of the county is paid, but in no event to exceed the term of two years.

Approved January 25, 1865.

CHAPTER 698.

AN ACT providing for the collection of the County Levy in McCracken County for 1864 and 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of McCracken county to place the tax list for 1864 in the hands of the sheriff of said county in the year 1865 for collection,

upon his executing bond, under the same conditions and to the same effect as sheriffs' bonds for the collection of county revenue are required by law.

1865.

§ 2. *Be it enacted*, That in the event the sheriff of said county fails to execute said bond, or there is no sheriff in office, then it shall be lawful for the county court of said county to place said tax list in the hands of a commissioner for collection, who shall first take an oath faithfully to discharge his duty and give bond as required by sheriffs for the collection of the county revenue; and for the collection of said tax list the court may make to the sheriff or commissioner an allowance not exceeding ten per cent. on the amount actually collected for his services.

§ 3. In the event that the sheriff elect of McCracken county shall fail to qualify, or if he does, shall resign, or from any other cause said sheriff's office shall be vacant on the first day of June, 1865, and no sheriff having executed bond for the collection of the county revenue, then it shall be lawful for the county court of said county to place the tax list for said county levy in the hands of a commissioner for collection for said year, who shall first take an oath faithfully to discharge his duties, and also execute a bond as required by law for sheriffs in similar cases; and the county court for such service may allow on the amount actually collected twelve per cent. as compensation to said commissioner.

§ 4. Said sheriff or commissioner shall be liable to motion for a failure to collect and account for said revenue for either 1864 or 1865, in the same manner as sheriffs are now by law.

Approved January 25, 1865.

CHAPTER 609.

AN ACT for the benefit of Boyd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Boyd county, at each term of the court of claims for said county, a majority of all the magistrates being present, shall have the power to levy an additional tax, not exceeding ten cents on each hundred dollars' worth of property subject to the assessment for State revenue within said county.

§ 2. That the sheriff shall collect the tax so levied in the same manner and at the same time he collects the county levy and State revenue, and be responsible therefor upon his bond, in the same way and manner he is for the county and State tax; and for the recovery of which a motion

1865.

may be made against him and his sureties in the county court, upon notice given according to law, within two years.

§ 3. The tax authorized by this act shall be applied by the county court in liquidation of the county debt and improving the public property of the county.

§ 4. This act shall take effect from its passage, and continue in force for two years.

Approved January 25, 1865.

CHAPTER 700.

AN ACT for the benefit of certain School Districts in Washington County.

WHEREAS, Upon report duly made, and warrant of the commissioner drawn, the Superintendent of Public Instruction, on the second day of June, 1864, directed the Auditor of Public Accounts to issue his warrant on the treasury in favor of the commissioner of Washington county for \$270 80; and whereas, the papers in the case were accidentally overlooked in the Auditor's office until after the first day of July, 1864, when it was too late to draw the money; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the warrant be now issued by the Auditor in favor of said commissioner for said amount, and that said money be refunded to the treasury from the surplus, if there should be any, to the credit of said county for the year 1864; and if there should not be a surplus for said year, or should not be a sufficiency, from the interest on the amount named to the credit of Washington county in the bond heretofore issued for surplus, and if there should still be anything lacking, then from the amount itself named to the credit of said county in said bond.

§ 2. This act to take effect from its passage.

Approved January 25, 1865.

CHAPTER 701.

AN ACT to amend an act, entitled "An act to incorporate the Southern Kentucky Collegiate Institute."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the institution of learning located in the town of Russellville, and heretofore called the Southern Kentucky Female Collegiate Institute, shall hereafter be known and designated by the name and style of "The Russellville Female Academy."

1865.

§ 2. That the real estate now owned and held by the board of trustees created by the original act incorporating said institution, and the amendments thereto, shall vest in and be held by the board of trustees herein appointed for the purposes and objects as set forth in said act and the amendments thereto.

§ 3. That the board of trustees for said institution shall consist of not less than nine persons, five of whom shall constitute a quorum for the transaction of any business, but may be increased to any number not exceeding fifteen.

§ 4. That M. B. Morton, S. L. Rizer, T. H. Grubbs, G. R. Bibb, T. M. Mart, Joshua Knowles, H. A. Linebaugh, James Allison, James E. Wright, James McCallen, Hugh Barclay, Robert Browder, C. P. Shields, Daniel D. Duncan, and John P. Mize, be, and they are hereby, appointed a board of trustees for said institution; and they are hereby created a body corporate and politic, and as such shall have authority to use a corporate seal, and to change the same at pleasure, to sue and be sued, and to do and perform all other acts which similar corporations are permitted by law to do.

§ 5. That all vacancies occurring in said board, either by death, resignation, or otherwise, shall be filled by the remaining trustees by a majority vote.

§ 6. That the institution of learning created by this act shall be under the general direction and control of the Louisville Conference of the Methodist Episcopal Church, South, and for the purpose of female education.

§ 7. That the principal and faculty who shall conduct said institution shall be elected or appointed by said board of trustees; and the said principal and faculty shall have full power and authority to confer such literary degrees and honors as they may deem right and proper, and grant certificates of scholarship and diplomas to graduates, by and with the consent of the board of trustees.

§ 8. That the board of trustees shall have power to acquire, by purchase, devise, bequest, gift, grant, or otherwise, grounds, houses, furniture, fixtures, and funds, in addition to the property now owned and held by them, in any amount not exceeding one hundred thousand dollars.

§ 9. That the act approved February 20th, 1860, incorporating the Southern Kentucky Female Collegiate Institute, and the act amendatory thereto, approved January 28th, 1864, be, and the same are hereby, repealed.

§ 10. That this act shall take effect from and after its passage.

Approved January 25, 1865.

1865.

CHAPTER 702.

AN ACT to incorporate the Green River Valley Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. W. Welsh, J. T. Boyle, E. C. Mitchell, A. H. Hoyer, Theodore Wright, Joel Sweeney, F. Woolford, John P. Verree, J. S. Newberry, be, and they are hereby, created a body-politic and corporate, by the name of "The Green River Valley Oil Company," for the term of thirty years, with all the powers and rights incident to corporations, for the purposes hereinafter mentioned; and the above named persons shall be and constitute the first board of directors, and hold office for one year, or until their successors are elected by a majority in interest of the stockholders, any five of whom shall constitute a quorum, and may fill any vacancy resulting from death, refusal to act, or otherwise.

§ 2. The corporation hereby created is authorized and empowered to acquire and hold lands in fee simple or by lease, and to bore, mine, and excavate for petroleum, salt, and other minerals on said lands, and to vend and refine the same; but the lands so acquired and purchased shall not exceed in value five hundred thousand dollars, which is hereby declared to be the capital stock of the said Green River Valley Oil Company, which may be divided into shares of not less than five dollars nor more than one hundred dollars each; which may be issued and transferred on the books of the company in the manner prescribed by the by-laws thereof, which the board of directors are authorized to adopt for the management of the affairs and business of the company, not inconsistent with the constitution and laws of the State.

§ 3. Whenever one hundred thousand dollars is subscribed, and ten per cent. thereof paid, the said directors, or any three of them, shall give notice of time and place for the election of a new board of directors, who shall hold office one year, and until their successors are chosen. Stockholders may vote by proxy, or as provided by the by-laws. The company may establish offices at any place they deem proper, and appoint secretary, treasurer, and other officers fixed by their by-laws. Any of the incorporators named herein may open books of subscription and receive subscriptions to the capital stock of said company; and the books may be opened and closed at such times and places as a majority of the directors shall deem proper.

§ 4. The Legislature reserves the power to alter, amend, or repeal the foregoing charter.

§ 5. This act to take effect from its passage.

Approved January 25, 1865.

CHAPTER 703.

1865.

AN ACT for the benefit of the Baptist Colored Church, Shelbyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Simon Grigsby be empowered to sell and convey the lot of ground and appurtenances conveyed to him for the Baptist Colored Church, in said town, by George E. Adams and wife; the proceeds of the sale shall be applied for the benefit of said Baptist Colored Church. Simon Grigsby shall execute bond in the penalty of the value of the property, with good security, conditioned to pay the money over to said church before he shall sell said property; which bond shall be executed before the county court clerk of Shelby, and filed by him in his office.

§ 2. This act to take effect from its passage.

Approved January 25, 1865.

CHAPTER 704.

AN ACT for the benefit of George Parker, late sheriff of Union County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Parker, late sheriff of Union county, have the further time until the first Monday in April next to return his State and county delinquent lists for the years 1862 and 1863.

§ 2. That the county court of said county may allow said sheriff any rate of compensation for collecting the county levy for the years 1862 and 1863, not less than that now allowed by law nor more than ten per cent., if in their judgment it be right and proper.

§ 3. That this act take effect from its passage.

Approved January 25, 1865.

CHAPTER 705.

AN ACT to incorporate the Columbia Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. T. Alexander, R. A. Watts, B. S. Coffey, J. T. Boyle, and A. H. Hager, be, and they are hereby, created a body-politic and corporate, by the name of the "Columbia Oil Company," for the term of thirty years, with all the powers and rights incident to corporations for the purposes hereinafter mentioned; and the above named persons shall be, and constitute, the first board of directors, and hold

1865. office for one year, or until their successors are elected by a majority in interest of the stockholders, any three of whom shall constitute a quorum, and may fill any vacancy resulting from death, refusal to act, or otherwise.

§ 2. The corporation hereby created is authorized and empowered to acquire and hold lands in fee simple, or by lease; and to bore, mine, and excavate for petroleum, salt, and other minerals on said lands, and to vend and refine the same; but the lands so acquired and purchased shall not exceed in value five hundred thousand dollars, which is hereby declared to be the capital stock of the said Columbia Oil Company, which may be divided into shares of not less than five dollars, nor more than one hundred dollars each share, which may be issued and transferred on the books of the company, in the manner prescribed by the by-laws thereof, which the board of directors are authorized to adopt for the management of the affairs and business of the company, not inconsistent with the constitution and laws of the State.

§ 3. Whenever one hundred thousand dollars is subscribed, and ten per cent thereof paid, the said directors, or any three of them, shall give notice of time and place of the election of a new board of directors, who shall hold office for one year, and until their successors are chosen; stockholders may vote by proxy, or as provided by the by-laws; the company may establish offices at any place they deem proper, and appoint secretary, treasurer, and other officers fixed by the by-laws; any of the incorporators named herein may open books of subscription, and receive subscriptions to the capital stock of said company; and the books may be opened and closed at such times and places as a majority of the directors may deem proper.

§ 4. This act shall take effect from its passage.

Approved January 25, 1865.

CHAPTER 706.

AN ACT to incorporate the Louisville Petroleum and Oil Refining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, &c.

§ 1. That J. T. Boyle, Roland Whitney, J. S. Phelps, U. B. Evarts, Bell Anderson, E. D. Tyler, and Collis Ormsby, and their successors, be, and they are hereby, created a body-corporate and politic, by the name of "The Louisville Petroleum and Oil Refining Company," for the term of thirty years, with all the powers and authority to corporations for the purposes hereafter mentioned.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

1865.
May hold
lands, &c.

§ 3. The capital stock of "The Louisville Petroleum and Oil Refining Company" shall be five hundred thousand dollars, and shall be divided into shares of not less than five, nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

Capital stock.

§ 4. The affairs of said company shall be managed by seven directors, one of whom shall be president, all of whom shall be stockholders in said corporation; the first board of directors shall consist of J. T. Boyle, Roland Whitney, U. B. Evarts, B. M. Anderson, E. D. Tyler, J. S. Phelps, and Collis Ormsby, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year or until their successors are elected. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else; they may adopt such by-laws and rules for the government of the corporation and management of its affairs and business as they deem proper, not inconsistent with the constitution and laws of the State; the said incorporators, or any of them, may open books of subscription and receive subscriptions to the capital stock of said company herein incorporated; and books of subscription may be opened and subscriptions received at such times and places and upon such notices thereof as any three of said incorporators may deem right and proper.

Who to manage business.

Books to be opened.

§ 5. The said Louisville Petroleum and Oil Refining Company shall not own in fee simple and by lease lands exceeding in value five hundred thousand dollars, the capital stock of the company; whenever one hundred thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year, and as provided herein; the board of directors of said corporation may fill all vacancies occurred by death or resignation or otherwise, and may make such calls of payment of stock as they deem proper, not to exceed twenty per cent. for every thirty days; they may keep their office at such place or places as they deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and other officers, as they may deem necessary, with such compensation for services as they may fix, and by their by-laws reg-

Quantity of lands to be owned.

Election.

Vacancies.

Secretary and Treasurer to be appointed.

1865.

ulate and fix the mode of keeping their ——— as may be deemed necessary.

§ 6. The Legislature reserves full power to alter, repeal, or amend this charter at all times.

§ 7. This act shall take effect from its passage.

Approved January 26, 1865.

CHAPTER 707.

AN ACT authorizing the County Court of Hancock county to increase the county levy and levy an ad valorem tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the county court of Hancock county, the presiding judge and a majority of the justices of said county concurring, be, and said court is hereby, authorized and empowered, at its regular terms in each year for fixing the county levy and attending to financial business of said county, to levy a tax of not exceeding one dollar and seventy-five cents on each tithable listed in said county, and also an ad valorem tax of not exceeding five cents on each one hundred dollars in value of all property assessed within said county and taxed for State purposes, or for county purposes; and said court, from year to year, may proceed to collect and disburse the same as other taxes levied and collected; and the sheriff and clerk and other officers are to be governed by the laws now existing in the collection and disbursing the same, and subject to the same responsibilities.

§ 2. That the said county court of Hancock county, the presiding judge and a majority of the justices in said county concurring, be, and said court is hereby, authorized and empowered, at its regular term to be held in April or May, in the present year, 1865, to levy an additional tax of not exceeding twenty-five cents on each tithable listed in said county, and also an ad valorem tax of not exceeding five cents on each one hundred dollars in value of all property assessed within said county and taxed for State purposes, for the year 1865; and said court may proceed to collect and disburse the same as other taxes levied and collected for county purposes.

§ 3. That this act take effect from its passage.

Approved January 26, 1865.

CHAPTER 708.

1865.

AN ACT for the benefit of J. R. Hawkins and G. A. Robertson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to issue his warrant on the Treasurer in favor of J. R. Hawkins, for the sum of thirty dollars, for his services as secretary of the late Electoral College, and to G. A. Robertson for the same sum, for his services as sergeant-at-arms of said college.

§ 2. This act shall take effect from its passage.

Approved January 26, 1865.

CHAPTER 709.

AN ACT to incorporate the Old Steam Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky

§ 1. That Alfred Spalding, George Wents, Samuel G. Morts, William C. Ireland, Ed. F. Dulin, or a majority of them, are hereby appointed commissioners to open books for the subscription of stock to a company to be known, and which is hereby designated, as "The Old Steam Mining and Manufacturing Company," the object of which is mining and manufacturing in the State of Kentucky, and particularly in the county of Greenup; and the said company are hereby declared a body-politic and corporate, with perpetual succession, and the right to sue and be sued, plead and be impleaded, and be contracted with and contract; have a common seal, which it may change at pleasure; may purchase, hold, and convey any real and personal estate necessary for carrying on the business of said company; and may make such rules and regulations, and by-laws for the government of their own affairs as they may think proper, not inconsistent with constitution and laws of the United States or of this State.

Corporators' names, and corporate powers.

§ 2. The capital stock of said company shall consist of one hundred thousand shares, divided into shares of ten dollars each; and it is further provided, that said company or commissioners may receive subscriptions in lands, coal mines, or other mines or mining privileges, which may constitute the whole or a part of the capital stock of said company, on such terms as may be agreed upon by the owners thereof and said commissioners receiving the same or said company; and the shares so subscribed in the same shall be deemed personal property, and pass by sale and otherwise in law as personal property: *Provided, however,* Said owners of said lands, coal or other mines or mining privileges, shall convey to said company or said commis-

Capital stock.

May receive subscriptions in lands, &c.

1865.

sioners the same way real estate is by law directed to be conveyed. The shares of stock may be transferred by entry on the books of said company.

Business of
corporation.

§ 3. The business of said company shall be the development of the mineral and manufacturing resources of Greenup and the adjoining counties, and the manufacture of the same and of lumber and the other productions of said counties, and the transportation of the raw or manufactured articles and mineral products to market; and to this end the company may purchase and construct railroads, dams, locks, canals, roads, and highways, and repair and keep the same in use, or may have the rights of way and materials for the same to the Ohio river condemned and appropriated: *Provided*, Before the same may be so appropriated and condemned the same proceedings shall be had as is required by law for the condemnation and appropriation of lands and material for county roads, and may also construct boat-yards, boats, floats, and tugs of every description which said company may deem best for the benefit and furtherance of the operations and business of said company.

When meeting
to be held to
elect directors.

§ 4. As soon as one thousand shares of the capital stock shall have been subscribed, the stockholders, their authorized representatives or proxies, may hold a meeting, at such time or place as said commissioners or a majority may fix, and proceed to elect not less than three nor more than five directors, whose business it shall be to elect one of their number president and conduct the business of the company, appoint and employ a secretary, treasurer, and all other officers, agents, servants, and employes as they may deem best for the conduct of the business, or may be directed by the by-laws of said company. Said directors shall be elected annually, after the first board, upon such a day and at such place as the by-laws may prescribe; but the election shall be in the town or county in which the company's principal office may be located, provided the first board shall be elected for the unexpired term of the current year. Each shareholder shall be entitled to one vote for each share owned or controlled by him, and the votes may be given in person or by proxy.

Election to be
held annually.

Dividends.

§ 5. A dividend shall be declared on the secretary's books on such a day as the board may designate, or more frequently, if they shall so provide in their rules and by-laws. The books of the company shall at all times be open and accessible to each stockholder for his inspection, and he shall be entitled to receive a full and fair explanation from the officers of said company of the same. The said company may have its principal office outside of this State.

§ 6. No one shall be a president, treasurer, or director who is not a stockholder; and if either of said officers shall cease to be a stockholder, he shall cease to hold his said office, and the directors in office shall fill the vacancies for the current year; and if, from any cause, an election of directors cannot be had on the day fixed for the same, it may be held at any time during the current year, after ten days' notice to the stockholders or agents thereof.

1865.
Officers to be
stockholders.

§ 7. Nothing herein shall be construed to confer any banking privileges on said company; and the General Assembly herein reserves the power to amend, modify, or repeal the same at pleasure.

No banking
powers.

§ 8. This act shall take effect from its passage.

Approved January 26, 1865.

CHAPTER 710.

AN ACT to amend the charter of the Lexington and Big Sandy Railroad, and to incorporate "The Lexington and Big Sandy Railroad Company, Eastern Division," and "The Lexington and Big Sandy Railroad Company, Western Division."

WHEREAS, The Lexington and Big Sandy railroad company, being authorized by an act of this General Assembly, mortgaged the said road, its rights and fixtures and franchises, for the security of the payment of the bonds authorized to be issued by it in aid of the building thereof; and whereas, by a judgment of the Fayette circuit court in the case of the city of Lexington against said railroad company and others, said mortgage was foreclosed, and the road with its rights was ordered to be sold; and was sold and purchased by William T. Nicholls for himself and his associates vs. Hugh Means, R. Apperson, sr., W. Hally Smith, John W. White, R. M. Biggs, William Biggs, and George Robertson; which sale was approved and confirmed by the court, and said purchasers put into the possession thereof; and whereas, the said purchasers (except William Biggs owning two twelfths) have sold and conveyed all of their interest in said road from Grayson, Carter county, to its eastern terminus, at the Big Sandy river, to John G. Peebles, Joseph S. Peebles, John Means, Samuel Coles, Ben. B. Gaylord, A. S. Winslow, Lewis Worthington, and Joseph C. Butler; and they, with said William Biggs, are desirous of forming a company to build, equip, and operate said road from Grayson to Big Sandy, under the charter of the Lexington and Big Sandy railroad, and amendments thereto; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Biggs, John Means, Samuel Coles, John G. Peebles, Joseph S. Peebles, Ben. B. Gaylord, A. S.

Company form-
ed.

1865.

Name and
style.

Winslow, Joseph C. Butler, and Lewis Worthington, and their successors and associates, are hereby incorporated into a company, and shall be a corporation and body-politic by the name and style of "The Lexington and Big Sandy railroad, Eastern Division," and shall have all of the rights and privileges given to the Lexington and Big Sandy railroad by its charter and amendments thereof, and shall be governed by the said charter and amendments in building, equipping, and operating the said road from Grayson to Big Sandy river, so far as the same are applicable: *Provided*, the said company, hereby incorporated, shall not be responsible for any of the liabilities of the Lexington and Big Sandy railroad company, for which, by their contract of purchase aforesaid, from W. T. Nicholls and associates, they would not be liable.

Sales heretofore made ratified; and capital stock.

§ 2. That the foreclose and sales aforesaid are hereby ratified and confirmed, and that the capital stock of the Lexington and Big Sandy railroad company, Eastern Division, shall be three hundred thousand dollars, with the privilege, by a vote of the majority of the stockholders in interest in any meeting called for that purpose, to extend the said capital stock to two millions of dollars; and for this purpose the president and directors may, from time to time, call a meeting of said stockholders, and when authorized by a vote of said stockholders, as aforesaid, from time to time, open books and receive subscriptions of stock to the capital stock, as authorized by said charter and amendments thereof, and compel the payment of stock, as by said charter is pointed out and provided.

May acquire and hold lands, &c.

§ 4. That said company, the "Lexington and Big Sandy railroad company, Eastern Division," shall have power to acquire and hold such other real estate and mines in the State of Kentucky (other than may be necessary for road-bed and track, depot grounds, and other purposes necessary to operate the said road), by lease, purchase, gift, grant, devise, or contract, and such personal property as it may deem necessary and proper for carrying on the mining of coal, and vending and transporting the same to market by railroad or river navigation, and such yards, boats, wharves, and quays as shall be necessary therefor; and for the manufacturing of oil, salt, and products from coal, the manufacture of iron and all other minerals, or products of their land, as timber, or earths and clays; with power to dispose of, convey, and sell the same, its personal and real property, at pleasure, according to the mode prescribed by law.

Corporators' names, and corporate powers.

§ 5. That Wm. Biggs, Hugh Means, Wm. T. Nicholls, R. M. Biggs, Wm. Hally Smith, John W. White, George Robertson, and Richard Apperson, jr., as executor of Richard Apperson, sr., their associates and successors, are a

body-corporate, by the name of the Lexington and Big Sandy railroad, Western Division, to build, equip, and operate a railroad from Grayson, Carter county, to Lexington, as prescribed in the manner and mode of the charter of the Lexington and Big Sandy railroad, and its amendments, which are hereby adopted as the charter of the Lexington and Big Sandy railroad, Western Division: *Provided*, That the last named company shall not be responsible for any of the liabilities of the Lexington and Big Sandy railroad company, for which they would not be by their purchase under the judgment of the court aforesaid: *And provided further*, That the capital stock of the Lexington and Big Sandy railroad, Western Division, shall be as fixed in the said charter and amendments of the Lexington and Big Sandy railroad.

1865.

§ 6. This act shall be in force from its passage.

Approved January 26, 1865.

CHAPTER 711.

AN ACT to incorporate the Greenup County Mining, Petroleum, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Geo. Wents, Samuel G. Wents, Alfred Spaulding, E. F. Dulin, and Wm. C. Ireland, or a majority of them, are hereby appointed commissioners to open books for subscriptions of stock to a company known and designated as "The Greenup County Mining, Petroleum, and Manufacturing Company," the intent and purpose of which is to develop the petroleum or other mineral resources of Greenup county, and procure and sell the same in their crude or manufactured state; and the said company is hereby declared a body-politic and corporate, with perpetual succession; and may sue and be sued, plead and be impleaded, as a natural person, contract and be contracted with; may have and use a common seal, and change and alter the same at pleasure; may purchase or otherwise acquire and hold personal and real estate necessary for the purpose of carrying on the business of the company, and sell and otherwise dispose of the same at pleasure, and make such rules and regulations as said company may deem necessary and proper for conducting the business thereof, not, however, inconsistent with the constitution and laws of the United States or of this State.

¹
Corporators'
names, and
corporate pow-
ers.

§ 2. The capital stock of said company shall consist of one hundred thousand shares, of ten dollars each share, which may be increased by a vote of a majority in interest of the stockholders to any amount not exceeding one hun-

Capital stock.

1865.

dred and fifty thousand shares; and it is further provided that said company may receive lands, oil wells or mines, and mines of other minerals, or privileges and rights to mine the same, to constitute a part or the whole of the capital stock of said company, on such terms as may be agreed upon by the owners of the same; and the shares for the same shall be deemed personal estate, and may be transferred as such on the books of the company.

Business of
corporation.

§ 3. The business of the company shall be the development of the oil and other mineral resources of Greenup county, and the manufacture, transportation to markets, and sale and disposal thereof; and to this end said company may purchase lands, oil wells and mines, and mineral and mining privileges, and sites for manufactories; may make roads, railroads, and other ways of communication and transportation to and from their lands and mines and manufactories to the Ohio river and markets; may construct and own wharves and landings, floats, tugs, and other boats; provided that any lands or materials appropriated or sought so to be done for roads or ways shall be condemned and appropriated as pointed out by law for the condemnation and appropriation of the same for public county roads.

When meeting
to elect direc-
tors to be held.

§ 4. As soon as five thousand shares shall have been subscribed to the capital stock, the stockholders, their authorized agents or proxies, may hold a meeting at such time and place as said commissioners or a majority may fix, and proceed to elect not less than three nor more than five directors, who shall elect one of their number as president, and whose business it shall be to conduct the affairs of said company, appoint a secretary, treasurer, and employ any other officers, agents, and employes as they may deem best for the conduct of the business of the company; said directors shall be elected annually on such a day and at such place as by the by-laws may be prescribed; but the election shall be in the town or county in which the company's principal office may be located, provided the first board shall be elected for the unexpired term of the current year. Each shareholder shall be entitled to one vote for each share owned or controlled by him, and the votes may be given in person or by proxy.

Dividends.

§. 5. A dividend shall be declared on the secretary's books, on such a day as the board may designate, or more frequently, if they shall so provide in their rules and by-laws; the books of the company shall at all times be open and accessible to the inspection of any stockholder, and he shall be entitled to receive from the officers and agents of the company a full and fair explanation of the same; the said company may have its principal office outside of this State.

§ 6. No one shall be a president, treasurer, or director who is not a stockholder; and if either of said officers shall cease to be a stockholder, he shall cease to hold his said office, and the directors in office shall fill the vacancies for the current year; and if, from any cause, an election of directors cannot be had on the day fixed for the same, it may be had at any time during the current year, after ten days' notice to the stockholders or agents thereof.

1865.

Officers to be stockholders.

§ 7. Nothing herein shall be construed to confer any banking privileges on said company, and the General Assembly reserves the power to amend, modify, or repeal the same at pleasure.

No banking powers.

§ 8. This act shall be in force from its passage.

Approved January 26, 1865.

CHAPTER 712.

AN ACT for the benefit of Bennett Spear, late Sheriff of Monroe County, and Joseph E. Mulkey, his Deputy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Bennett Spear, late sheriff of Monroe county, and Joseph E. Mulkey, his deputy, have the further time of two years to collect the unpaid taxes due them from the county of Monroe from the year 1861 to 1865, and that they have the right to distrain for and collect the same in as full a manner as if they were the acting sheriffs and deputy of said county, and under the same liability upon their official bonds heretofore executed.

§ 2. They shall also have the right to collect and distrain for any and all fees due them for the term of two years from the passage of this act.

§ 3. This act to take effect from and after its passage.

Approved January 26, 1865.

CHAPTER 714.

AN ACT for the benefit of the Sureties of John G. Pickens, deceased, late Sheriff of Clinton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the payment of the principal and costs of two judgments, rendered in the Franklin circuit court, in favor of the Commonwealth of Kentucky against John G. Pickens, late sheriff of Clinton county, for the revenue of the years 1859 and 1860, by the sureties of said Pickens, on or by the first day of May, 1865, next, the Auditor of

1865.

Public Accounts is directed to release the damages and interest on said two judgments.

§ 2. This act to take effect from the date of its passage.

Approved January 26, 1865.

CHAPTER 715.

AN ACT for the benefit of A. C. Cox, Sheriff of Green County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. C. Cox, sheriff of Green county, be, and he is hereby, allowed further time until the 3d Monday in April, 1865, to make out and return his delinquent list for the revenue and county levy for said county, collectable in the year 1864; and said list, when returned to the Auditor certified as now required by law, shall entitle said sheriff to a credit therefor in his settlement with the Auditor.

§ 2. This act to take effect from and after its passage.

Approved January 26, 1865.

CHAPTER 716.

AN ACT for the benefit of J. L. McCarty, late Sheriff of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and empowered to release unto J. L. McCarty, late sheriff of Whitley county, and his sureties, all interest and damages upon a judgment rendered in the Franklin circuit court against said sheriff and sureties for the remainder of the revenue due from said county for the year 1862: *Provided*, They shall pay the principal and costs of said judgment into the treasury by the first day of May, 1865.

§ 2. This act to take effect from its passage.

Approved January 26, 1865.

CHAPTER 717.

AN ACT for the benefit of Henry Lucas, late Sheriff of McLean county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from and after the passage of this act, is allowed Henry Lucas, late sheriff of McLean county, to list and collect any and all fee bills due him as sheriff of said county, subject to all the pains.

and penalties prescribed by law for collecting illegal fee bills.

1865.

§ 2. This act to take effect from its passage.

Approved January 26, 1865.

CHAPTER 718.

AN ACT for the benefit of Ben. F. Shepherd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time, until the first day of November, A. D. 1865, is given to said Ben. F. Shepherd, sheriff of Carter county, within which to return his delinquent list of county and State tax for 1864 and militia.

§ 2. This act shall be in force from its passage.

Approved January 26, 1865.

CHAPTER 719.

AN ACT for the benefit of Samuel F. Roberts, late Sheriff of Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sam'l F. Roberts, late sheriff of Kenton county, shall have and possess all the rights and powers to collect and distrain for the unpaid taxes of said county for the year 1862; and also power to collect and distrain for fee bills yet due said sheriff for the year aforesaid, as fully and completely as he had during his term of office, subject to all the pains and penalties now imposed by law for illegal distraints: *Provided, however,* Before this act shall go into effect the sureties of said Roberts in his official bond for said year, shall enter their consent of record in the Kenton county court, to be still bound for said Roberts' acts under the provisions of this act.

§ 2. This act shall take effect from its passage.

Approved January 26, 1865.

CHAPTER 721.

AN ACT for the benefit of the County of Spencer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of the county of Spencer shall have the right, a majority of all the justices in commission concurring therein, to pass an order directing the

1865.

sale of the lot of ground on which the Spencer County Seminary now stands, together with the seminary; and all rights, interests, and emoluments thereto belonging shall pass to the purchaser or purchasers thereof in fee simple; and for the purpose of such sale, said court shall appoint any number of commissioners, not exceeding three, as to it shall seem proper, whose duty it shall be to advertise the time and place of sale, sell the same, collect the money, and make conveyance of title, and make report of their actings and doings to said court; and also to loan out the money arising from such sale, subject to such orders as said court may make relative to the safe-keeping and use of said fund.

§ 2. That the interest arising from the use of the money produced by the sale of said seminary, &c., shall be divided *pro rata* amongst the children of the county, and be applied to common school purposes, and for no other purpose whatever.

§ 3. That the money arising from the sale aforesaid shall be called the Spencer county school fund; and it shall be loaned out perpetually, and the interest applied as aforesaid.

Approved January 26, 1865.

CHAPTER 722.

AN ACT to legalize the acts of S. K. Damron, Deputy County Clerk of Pike County.

WHEREAS, It is satisfactorily represented to this General Assembly that the county court clerk of Pike county has left this Commonwealth and joined the army of the so-called Confederate States; and whereas, there has been no election for county officers held in said county in consequence of rebel interference; and whereas, S. K. Damron, deputy clerk under the clerk aforesaid, has, in many instances, exercised the functions of county court clerk of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the official acts of S. K. Damron as deputy county court clerk of Pike county, since the vacation of the office by his principal, which may in other respects conform to the existing laws, shall be deemed as legal and valid in law as if said Damron had been a legal officer.

§ 2. This act shall take effect from its passage.

Approved January 26, 1865.

CHAPTER 723.

1865.

AN ACT to charter the Sandy Valley Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas Wallace, Loyd B. Dennis, Jake Rice, John B. Hatcher, and John M. Rice, their successors and assigns, are hereby created a body-politic and corporate, under the name and style of "The Sandy Valley Petroleum Company," and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of competent jurisdiction; have a common seal, and alter the same at pleasure; may make all by-laws necessary for the regulation and government of said company, not inconsistent with the laws of Kentucky or of the United States.

§ 2. Said company shall have power and authority to appoint any one or more of its members, or other person or persons, to manage, control, and direct the business of said company according to the by-laws, rules, and regulations which may from time to time be adopted by said company for its government and the transaction of its business.

§ 3. The capital stock of said company shall not exceed one million of dollars, to be divided into shares of twenty dollars each, which may be subscribed and paid for in such manner as may be prescribed by said company in its by-laws; and said shares may be transferred in such manner as said company, by its by-laws, may direct. Said shares shall be taken and held as personal property.

§ 4. Said company shall have power to hold such estate in the State of Kentucky, by purchase, lease, or otherwise, as it may deem necessary and proper for carrying on the business of mining or boring for petroleum, rock, or carbon oil; and also boats, engines, buildings, and such machinery as may be necessary for procuring and transporting said product to market; with power to sell and convey such materials and estate, or any part thereof, at pleasure; and whatever powers to transact business may be necessary and expedient as incidental to said business, is hereby conferred on said company: *Provided, however,* That said company shall not have the power to issue their own notes as bank notes, nor exercise any privileges that pertain exclusively to banking institutions.

§ 5. The General Assembly reserves the right to alter, amend, or repeal this charter at pleasure.

§ 6. This act shall take effect from its passage.

Approved January 26, 1865.

1865.

CHAPTER 724.

AN ACT for the benefit of Francis Catron, late Sheriff of Knox County.

WHEREAS, Francis Catron, sheriff of Knox county, has paid the principal of all the revenue due from said county for the year 1862 into the Treasury of the State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the payment into the Treasury of the costs of the judgment rendered in the Franklin circuit court against the said Catron and his sureties on account of the revenue due from Knox county for the year 1862, the Auditor is authorized and directed to release the interest and damages in said judgment.

§ 2. That the said Catron is hereby allowed the further time of two years to wind up his business as sheriff, and to collect his uncollected revenue and county levy and fee bills.

§ 3. This act to take effect from its passage.

Approved January 26, 1865.

CHAPTER 725.

AN ACT for the benefit of Jas. Tuggle, former Sheriff of Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James Tuggle, former sheriff of Knox county, have further time of two years, from and after the passage of this act, to collect and distrain for all arrearages of revenue tax and county levies and fee bills due him: *Provided*, He shall be liable to the penalties now provided by law in such cases for all illegal collections and distresses that may be made under the provisions of this act.

§ 2. This act shall take effect from and after its passage.

Approved January 26, 1865.

CHAPTER 728.

AN ACT for the benefit of the Sheriff of Hancock county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. S. Thomas, sheriff of Hancock county, be, and is hereby, allowed the further time until the 1st of May, 1865, to execute his bond and give security for the

collection of the county levy and State revenue for the year 1865.

1865.

§ 2. This act shall be in force from its passage.

Approved January 26, 1865.

CHAPTER 729.

AN ACT to incorporate the Stanford and Mason's Gap Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the Stanford and Mason's Gap Turnpike company, for the purpose of making an artificial road from a point on the Stanford and Hall's Gap turnpike road, near Stanford, in Lincoln county, to Mason's Gap, in said county.

Company formed.

§ 2. That the capital stock of said company shall be fifteen thousand dollars, divided into shares of fifty dollars each.

Capital stock.

§ 3. That books for the subscription of said stock shall be opened on the first Monday in April, 1865, at Stanford, under the direction of R. Carson, J. A. Lytle, Thomas B. Montgomery, Thos. P. Hill, Jno. C. Cooper, and W. G. Bailey. Any two of said commissioners shall be competent to receive subscriptions for stock in said road. The subscribers of stock shall sign, in a book provided for that purpose, an obligation as follows, to-wit: "We, whose names are hereunto affixed, do severally promise to pay to the president and directors of the Stanford and Mason's Gap turnpike road company the sum of fifty dollars for each share of stock annexed to our respective names, as witness our hands this — day of —, 18—." The said commissioners shall give notice of the time and place of opening books for subscription by advertising the same in the nearest newspaper to the town of Stanford, at least two weeks before the time; and may continue them open until the capital stock, or so much thereof as may be deemed necessary to complete said road, shall be taken: *Provided*, That if, from any cause, the said books should not be opened on the day fixed above, or the stock should not be fully taken, then the said commissioners may open the same at any time within three years from the passage of this act, and proceed as directed in this act.

Commissioners to open books.

Obligation.

Notice of opening books to be given.

§ 4. That whenever the sum of three thousand dollars shall have been taken, it shall be the duty of said commissioners to advertise the same, by written notices posted up at Stanford, calling the stockholders together at such place and time as they may designate in said notice, and who,

When meeting for election of directors and officers to be held.

1865.**Treasurer to give bond.****Term of office.****Officers to be shareholders.****Body corporate, and corporate powers.****Road may be let out.****Lincoln county court may take stock.****Where road to commence.****Provisions of another act made applicable.**

when called together, shall proceed to elect from their number a president, treasurer, secretary, and five directors, each of whom shall, before entering upon the duties of his office, take an oath, before some justice of the peace, that he will honestly, faithfully, and justly perform their respective duties, a certificate of which shall be recorded by the secretary in the books of the company. The treasurer shall execute bond, with security in such penalty and conditions as the president and directors may prescribe, payable to the president, directors, and company of the Stanford and Mason's Gap turnpike road, which bond shall be preserved by the secretary. The said officers shall hold their office for the term of one year, and until their successors are elected and qualified: *Provided*, That no one shall hold either of said offices unless he is a shareholder in said road, and that in the election of said officers each shareholder shall have one vote for each share he holds; that the said president, directors, and company shall be a body corporate, under the name and style of the president, directors, and company of "The Stanford and Mason's Gap turnpike road company;" shall have perpetual succession; may sue and be sued, plead and be impleaded, in all courts of law and equity having jurisdiction of the subject-matter; and do and perform all things that like corporate bodies can do, not inconsistent with the laws of this State or the United States.

§ 5. That it shall be the duty of the president and directors to let three or more miles of said road out, whenever three thousand dollars of the capital stock shall be taken, and the remainder when they may think a sufficient amount of stock has been taken to complete the road; that they may let any portion of said road to be made of gravel or stone, as they may deem proper; that they may let out any portion of said road, to be paid for in the stock of the company, provided it does not exceed the engineer's estimate.

§ 6. That the Lincoln county court, a majority of the justices concurring therein, may take stock in said road, and, to pay for the same, may levy such a tax on each one hundred dollars' worth of property subject to State tax as will be sufficient for that purpose.

§ 7. That said road shall commence at some point on the Stanford and Hall's Gap, near the toll-gate, from which point the same shall be run and located the best and most practicable route in the judgment of the president and directors of said road, to some point at or on top of Mason's Gap.

§ 8. That the provisions from the fifth to the thirty-fifth section, inclusive, of the Danville and Hustonville turnpike charter, approved March 1, 1844, be, and the same are

hereby, made part of this charter, so far as it does not conflict with this.

1865.

§ 9. That the president and directors shall be entitled to but one gate on said road; but they shall be entitled to collect toll at such gate at the rate per mile allowed on said Danville and Hustonville turnpike road for similar improvements, whether the number of miles which shall be made by them be more or less than five; the Legislature hereby reserves the right to amend, alter, or repeal this charter at pleasure.

Gates.

§ 10. This act shall take effect from its passage.

Approved January 26, 1865.

CHAPTER 730.

AN ACT to encourage the raising of recruits in Grant County for the United States Military Service.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Grant county, a majority of all its justices being present at any called or regular court for said county, shall have power to levy annually a tax not exceeding thirty cents on each hundred dollars' worth of taxable property in said county subject to revenue taxation for State purposes, to be collected by the sheriff of said county according to the rules prescribed by law for the collection of State revenue, the same to be due and collectable immediately after such tax shall be levied by said court, and to be paid by the sheriff to the county treasurer of Grant county, to be disbursed as hereinafter provided; the said sheriff shall collect and pay the same in three months after it shall be levied; he shall have all the powers to enforce the payment of said tax which is given him by law to enforce the payment of the State revenue, and shall be allowed for collecting and paying over the same the same commissions which by law he is entitled to for collecting and paying over the State revenue; and shall be liable to all the pains and penalties for failure to collect or pay over said tax which by law he is subject to for a failure to collect or pay over the State revenue tax.

§ 2. That W. T. Simmons, Dr. John M. Wilson, P. T. Zinn, John H. Webb, and N. H. Jeffers, and their successors in office be, and they are hereby, appointed a committee, who, or a majority of whom, shall constitute a quorum for the transaction of business; they are authorized to hold regular sessions, at such times and places as they shall agree upon; shall have power to adopt such rules and regulations as they may deem most advisable to pro-

1865.

mote the enlistment of soldiers for the United States service to fill any quota now due or which may hereafter become due from the county of Grant, under any call by the authorities of the United States for soldiers; they are authorized and empowered to offer and pay, out of the fund to be raised under the provisions of this act, such a county bounty as they may deem expedient to each volunteer or soldier who shall enlist and be regularly enrolled and received into the service of the United States in discharge of any contingent due or to become due from said county of Grant; they are hereby authorized and empowered, in order to raise means to answer any pressing necessity, to issue and sell their bonds: *Provided*, Such bonds shall not be sold at a greater discount than ten per cent.; and the funds hereby authorized to be raised are pledged for the redemption of such bonds; the said committee shall keep a record of their proceedings, and shall report to the Grant county court, from time to time, as said court may direct; they shall, from time to time, make a full and fair settlement of their accounts with the presiding judge of the Grant county court; their books shall at all times be open to the inspection of any person interested; they shall pay out no money except upon proper voucher.

§ 3. That the county treasurer of Grant county shall be treasurer of said committee, who shall, before he enters upon the discharge of his duties, execute annually in the Grant county court a covenant, with good security, for double the amount of the taxes to be collected, conditioned that he will faithfully discharge all the duties imposed on him by this act and the rules and regulations of the committee; the said treasurer shall keep a correct account of all money which shall come to his hands by virtue of this act, and how disbursed, and to whom paid, and on what account paid, which said account shall be open to the inspection of any one interested; that he shall pay out no money except upon the order of the committee; he shall, from time to time, as the committee may require, settle his accounts, which settlements, when made, shall be reported by said committee to the Grant county court; the county court shall have power to compel said committee to settle with their treasurer, from time to time, as said court may direct.

§ 4. That the sheriff, before he enters upon the collection of the taxes aforesaid, shall annually, in the Grant county court, with good security, to be approved by the court, execute bond to said committee in double the amount to be collected by him under this act, with covenant that he will, by himself or deputies, collect and pay over to the county treasurer the tax to be collected by virtue of this

1865.

act. That for any failure to collect said taxes in the time prescribed by this act, and for any failure to pay the same to the county treasurer after it shall become due and payable, the said committee shall have the right, by motion in their own names in the Grant county court, to recover against said sheriff and his securities the whole amount of taxes which he thus failed to collect, or, having collected, failed to pay to the treasurer, together with ten per cent. thereon: *Provided, however,* He and his securities shall have at least ten days' notice of such motion.

§ 5. That the sheriff shall, as soon as any tax shall be levied by virtue of the provisions of this act, give thirty days' notice by printed handbills posted up at conspicuous places in each precinct in each county; and during said thirty days the sheriff or one of his deputies shall remain at his office at the county seat, ready to receive payment of said tax; and, after the expiration of said time, he shall add five per cent. to the amount of the tax due from each defaulting taxpayer upon said levy, the same to be collected and retained by the sheriff as extra compensation for collecting the tax due by such delinquent.

§ 6. That the said committee shall be known and called the bounty fund committee of Grant county; and in case any vacancy shall occur in the same, from any cause whatever, the Grant county court is hereby authorized to fill such vacancy or vacancies by appointment.

§ 7. This act shall take effect from and after its passage.

Approved January 26, 1865.

CHAPTER 731.

AN ACT to incorporate the Stanford and Petroleum Wells Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the "Stanford and Petroleum Wells turnpike road company," for the purpose of making an artificial road from a point on the Stanford and Hustonville turnpike road, near Stanford, in Lincoln county, to the Petroleum Wells on Green river, in said county.

Company
formed.

§ 2. That the capital stock of said company shall be twenty thousand dollars, divided into shares of fifty dollars each.

Capital stock.

§ 3. That books for the subscription of said stock shall be opened on the first Monday in April, 1865, at Stanford, under the direction of John S. Hughes, sr., B. W. Dunn, J. S. Murphy, Wesley Rout, M. C. Portman, and H. S. Withers; any two of said commissioners shall be competent to

Commissioners
to open books.

1865.

Obligation.

Notice of opening of books to be given.

receive subscriptions for stock in said road; the subscribers of stock shall sign in a book provided for that purpose an obligation as follows, to-wit: "We, whose names are hereunto affixed, do severally promise to pay to the president and directors of the Stanford and Petroleum Wells turnpike road company the sum of fifty dollars for each share of stock annexed to our respective names, as witness our hand this — day of —, 18—." The said commissioners shall give notice of the time and place of opening books for subscription, by advertising the same in the nearest newspaper to the town of Stanford, at least two weeks before the time, and may continue them open until the capital stock, or so much thereof as may be necessary to complete said road, shall be taken: *Provided*, That if, from any cause, the said books should not be opened on the day fixed above, or the stock should not be fully taken, then the said commissioners may open the same at any time within three years from the passage of this act, and proceed as directed in this act.

When meeting for election of officers and directors to be held.

Treasurer to give bond.

Term of office.

Officers to be stockholders.

Body corporate, and corporate powers.

§ 4. That whenever the sum of three thousand dollars shall have been taken, it shall be the duty of said commissioners to advertise the same by written notices posted up at Stanford, calling the stockholders together at such place and time as they may designate in said notice, and who, when called together, shall proceed to elect from their number a president, secretary, treasurer, and five directors, each of whom shall, before entering upon the discharge of his office, take an oath before some justice of the peace that he will honestly, faithfully, and justly perform their respective duties, a certificate of which shall be recorded by the secretary in the books of the company; the treasurer shall execute bond with security in such penalty and conditions as the president and directors may prescribe, payable to the president, directors, and company of the Stanford and Petroleum Wells turnpike road, which bond shall be preserved by the secretary; the said officers shall hold their office for the term of one year, and until their successors are elected and qualified: *Provided*, That no one shall hold either of said offices unless he is a shareholder in said road; and that in the election of said officers each shareholder shall have one vote for each share he holds; that the said president, directors, and company shall be a body-corporate, under the name and style of the president, directors, and company of the Stanford and Petroleum Wells turnpike road company; shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity having jurisdiction of the subject-matter; and do and perform all things that like corporate bodies can do, not inconsistent with the laws of this State or the United States.

§ 5. That it shall be the duty of the president and directors to let three or more miles of said road out whenever three thousand dollars of the capital stock shall be taken, and the remainder when they may think a sufficient amount of stock has been taken to complete the road; that they may let any portion of said road to be made of gravel or stone, as they may deem proper; that they may let out any portion of said road to be paid for in the stock of the company, provided it does not exceed the engineer's estimate.

1865.

Road may be let out.

§ 6. That the Lincoln county court, a majority of all the justices concurring therein, may take stock in said road, and to pay for the same may levy such a tax on each one hundred dollars' worth of property subject to State tax as will be sufficient for that purpose.

Lincoln county court may take stock.

§ 7. That said road shall commence at some point on the Stanford and Hustonville turnpike road, near Stanford, from which point the same shall be run and located the best and most practicable route, in the judgment of the president and directors of said road, to the Lincoln county line, on Green river, so as to reach the petroleum wells in said county.

Where road to commence.

§ 8. That the provisions, from the fifth to the thirty-fifth section, inclusive, of the Danville and Hustonville turnpike charter, approved March 1, 1844, be, and the same are hereby, made part of this charter, so far as it does not conflict with this.

Provisions of another act made applicable.

§ 9. That the president and directors shall be entitled to put one gate on said road for each five miles of road made by them; and they may, upon the completion of three miles, put up a gate; provided they charge per mile the same rate of toll prescribed by the said Danville and Hustonville turnpike road for similar improvements. The Legislature hereby reserves the right to amend, alter, or repeal this charter at pleasure.

Gates.

§ 10. This act to take effect from its passage.

Approved January 26, 1865.

CHAPTER 732.

AN ACT to incorporate the Cumberland River Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. H. Sneed and W. R. Boyse, of Boyle county, and R. M. Robinson, of Garrard county, be, and the same are hereby, appointed commissioners to open books for the subscription of stock to a company known and designated as the "Cumberland River Oil Company," the object of which is to develop the petroleum and other mineral resources upon such portions of territory as the

1865.

company may own or acquire by purchase, lease, or freehold, on the Cumberland river and its tributaries, and refine and manufacture the same for market, and transport the same to the most eligible highways leading to the general market; and the said company is hereby declared a body-politic and corporate; and they may have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with; may have and use a common seal; may purchase, convey, and hold any real or personal estate necessary for carrying on the business of said company; and may make such rules and regulations for the government of their own affairs as they may think proper, not inconsistent with the laws of the State or of the United States.

§ 2. The capital stock of said company shall consist of one hundred thousand shares of twenty dollars each; and all the provisions of an act incorporating the Green River Oil Company are conferred upon this corporation; and sections four and five of an act chartering the Greasy Creek and Poplar Mountain Oil, Mining, Manufacturing, Lumber, and Transportation Company, approved January 17th, 1865, or so much of said charters as are not at variance with the vested rights of said companies, are hereby made parts of this charter.

§ 3. Nothing contained in this charter shall be construed as conferring banking powers upon this corporation.

§ 4. The General Assembly reserves the right to alter, amend, or repeal this charter at pleasure.

§ 5. This act to take effect from its passage.

Approved January 26, 1865.

CHAPTER 734.

AN ACT to incorporate the Western Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and
corporate pow-
ers.

§ 1. That C. Hervey Fink, Jacob Schrod, Julius Winter, Gustav Baurmann, F. P. Smith, A. F. Coldewey, Jacob Dolfinger, Charles F. Rauchfuss, Christian Stege, together with their successors, associates, and assigns, be, and they are hereby, created a body-politic and corporate, under the name and style of the "Western Insurance Company," and shall continue until the first day of January, 1890; and by the said name are hereby made capable in law to have, purchase, receive, possess, enjoy, and retain, sell, convey, or otherwise dispose of, by and to them and their successors, lands, tenements, rents, goods, chattels, public and private securities of any kind, quality, and nature whatsoever, including shares of the capital stock of said

corporation, not exceeding at any one time the amount of the capital stock of the said corporation and the accumulated profits; and to sue and be sued, plead and be impleaded, in any court of record in this Commonwealth, or in any other place whatsoever; and to make and use a common seal, and the same to break, alter, or renew at pleasure; also, to ordain, establish, and put in execution and amend, such by-laws as may be necessary and convenient for the government of the said corporation, not contrary to the laws of the Commonwealth.

1865.

§ 2. The capital stock of the said corporation shall consist of two hundred and fifty thousand dollars, in two thousand five hundred shares of one hundred dollars each, with the privilege of increasing the same, with the concurrence of the owners of a majority of the stock and the president and directors, to a sum not exceeding five hundred thousand dollars, by sale of additional shares of one hundred dollars each, on such terms and in such manner as the president and directors may direct. Capital stock.

§ 3. The corporators named in this act, or a majority of them, shall, as soon as may be deemed advisable by them after the passage of this act, open books of subscription for two thousand and five hundred shares of the capital stock of said corporation; and when the said number shall have been subscribed for, the books shall be closed; and thereafter notice shall be given, by ten days' advertisement in two of the daily papers in the city of Louisville, for a meeting of the subscribers, at which meeting ten dollars in money shall be paid upon each share subscribed for, and the company be organized; after which the remaining ninety dollars on each share shall be secured by the notes of the subscribers, secured to the satisfaction of the president and directors, and to be paid at such time or times as they may designate. If any of the corporators named in this act shall fail to subscribe for stock when the books are opened for subscription, they shall cease to be corporators; and if any person subscribing for shares in said company shall fail to pay the ten dollars for each share subscribed at the time and place such payment is to be made, according to notice, or to execute the notes with approved security, as herein provided for, the remainder such stock shall be forfeited to the company, and may be disposed of by sale or otherwise; and if, at any time, any shareholder shall fail to pay any call upon the note for unpaid installments, the stock of such shareholder shall thereby be forfeited to the company, and may be sold, the company accounting for the sale thereof, after deducting all claims for calls or other claims against such shareholder held by the company. Books to be opened for subscription of stock.

1865.

Election of directors.

§ 4. There shall be, as soon as practicable after the books of subscription are closed, an election for a board of directors, to consist of nine shareholders, which directors shall be elected by a majority of shares voting at such an election, either by the person holding the shares or by proxy; and they shall serve until the first Monday in January next ensuing; and on every first Monday in January thereafter a new election is to take place in like manner, and the directors so elected shall serve until their successors are elected and have qualified.

President and other officers to be elected.

§ 5. The directors of the said company shall then organize by the election of one of their number as president, to hold office until his successor is elected and qualified; and they shall also elect two of their number to serve for the term for which they have been elected, as a business committee, in conjunction with the president, which committee shall have the general direction and control of the transactions of the corporation; and the president and directors shall elect such officers and agents as may be necessary for the business of the company, fix their salaries and prescribe their duties, and may require from any officer, clerk, or agent, bond with security in such sums as they may deem adequate; the salary of the president shall be fixed by the directors; a majority of the whole number of directors shall be a quorum for the transaction of business, and their regular meetings shall be held on the first Mondays in January and July of each year; and at each regular meeting a statement of the affairs of the company and its business for the preceding six months shall be exhibited; and if any profits have been made, the president and directors shall declare a dividend of such portion thereof, on each first Monday in January and July, as they may deem expedient; but no dividend shall be paid out to the shareholders in money, out of any of the unearned premiums of insurance received by the company; the business committee may call meetings of the directors when they deem it necessary.

When regular meetings to be held.

Dividends.

When to commence business.

§ 6. Whenever the sum of twenty-five thousand dollars in cash has been paid by the shareholders, and the further sum of ninety dollars on each share subscribed has been secured by note, as hereinbefore provided, the president shall have full power and authority, in the name and on behalf of the said company, to make all kinds of marine and fire insurance and reinsurance on property of any and every kind within the United States or elsewhere, on the general conditions of marine and fire insurance, or upon particular principals and conditions designated in the policies issued by the said company.

§ 7. The form of certificate of stock and the manner of transferring of the same shall be fixed in the by-laws of the company, and a lien is hereby created in favor of the corporation on the shares of stock of any holder thereof, for any claim of any kind whatever, which the company may have against the holder of such shares of stock.

1865.
Certificates of
stock, &c.

§ 8. The principal office for the transaction of business of the corporation shall be in Louisville, in Jefferson county, Kentucky, but the president and directors may establish agencies or branch offices elsewhere.

Principal office.

§ 9. The General Assembly reserves the right to modify or amend this charter at pleasure.

§ 10. Whenever the Western Insurance Company ceases to be an insurance company in good faith, said charter shall cease and be void, and may be so declared by the Louisville chancery court, on petition showing and proving the fact.

When charter
to cease.

§ 11. This act shall take effect from its passage.

Approved January 26, 1865.

CHAPTER 735.

AN ACT to change the voting place in precinct No. 8, in Knox County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in precinct No. 8, in Knox county, be changed from Lafayette Bingham's to the house of Moses Hubbard.

§ 2. This act to be in force from its passage.

Approved January 27, 1865.

CHAPTER 737.

AN ACT to incorporate the Big Sandy Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Zephaniah Meek, H. L. Sweetnam, J. T. Boyle, Roland Whitney, U. B. Evarts, E. D. Tyler, Collis Ormsby, B. M. Anderson, and J. S. Phelps, and their successors, be, and they are hereby, created a body-corporate and politic, by the name of "The Big Sandy Petroleum Company," for the term of thirty years, with all the powers and authority incident to corporations for the purposes hereinafter mentioned.

Corporators'
names, and
corporate pow-
ers.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

May hold lands.

1865.

Capital stock.

§ 3. The capital stock of the Big Sandy Petroleum Company shall be five hundred thousand dollars, and shall be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

Who to manage affairs of corporation.

§ 4. The affairs of said corporation shall be managed by nine directors, one of whom shall be president, all of whom shall be stockholders in said corporation. The first board of directors shall consist of L. Meek, H. L. Sweetnam, J. T. Boyle, R. Whitney, U. B. Evarts, E. D. Tyler, C. Ormsby, B. M. Anderson, and J. S. Phelps, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year or until their successors are elected. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules for the government of the corporation and management of its affairs and business as they deem proper, not inconsistent with the constitution and laws of the State or of the United States. The said incorporators, or any of them, may open books of subscription and receive subscription to the capital stock of said company herein incorporated; and books of subscription may be opened and subscriptions received at such times and places and upon such notices thereof as any three of said incorporators may deem right and proper.

May make by-laws.

Amount of lands to be owned.

§ 5. The said Big Sandy Petroleum Company shall not own in fee simple or by lease lands exceeding in value five hundred thousand dollars; the capital stock of the company; whenever one hundred thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year, and as provided herein; the board of directors of said corporation may fill all vacancies occasioned by death or resignation or otherwise, and may make such calls of payment of stock as they deem proper, not to exceed twenty per cent. for any thirty days; they may keep their office at such place or places as they may deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and other officers, as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary.

Vacancies, how filled.

Where office may be kept.

Officers to be appointed.

No banking powers.

§ 6. Nothing contained in this charter shall be construed into conferring banking powers or privileges upon this corporation.

§ 7. The General Assembly reserves the right to alter, repeal, or amend this charter at will.

1865.

§ 8. This act to take effect from its passage.

Approved January 27, 1865.

CHAPTER 738.

AN ACT to amend the charter of the Big Sandy Valley Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first of an act, entitled "An act to charter the Big Sandy Valley Railroad Company," be so amended as to substitute the following named persons as commissioners, instead of those named in the original act: L. T. Moore, James M. Rice, and J. D. Kencead, for the county of Boyd; George W. Gallup, Jake Rice, F. R. Moon, jr., and John M. Rice, for the county of Lawrence; Harmon Conley, James E. Stewart, and Martin Preston, for the county of Johnson; Andrew J. Hatcher, William J. Mayo, and William May, of the county of Floyd; Alexander E. Adams, C. Cecil, jr., and William King, of the county of Pike; and all that part of said section appointing commissioners be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved January 27, 1865.

CHAPTER 739.

AN ACT to incorporate the Cooper's Union of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry Miller, Sebastian Stein, John Selkrouth, Fred. Kink, Joseph Gross, Andrew Satler, and Ferdinand Kopp, and their associates and successors, shall be known as a corporate body by the name of The Cooper's Union of the city of Louisville, in Jefferson county.

§ 2. Their officers shall consist of a president, vice president, corresponding and recording secretary, and treasurer, and such other officers as they may choose to make with accordance with their by-laws.

§ 3. They may sue and be sued by the name of the Cooper's Union, and service of process on the president or on the treasurer shall be legal notice of such suit.

§ 4. They may hold property, buy and sell to an amount not exceeding five thousand dollars in value, and in order to govern their members, regulate their proceedings, expenditures, and income, may make a code of by-laws:

1865.

Provided, They be not inconsistent with the laws of this Commonwealth or the laws of the United States.

§ 5. The Legislature reserves the right to alter, amend, or repeal this charter at any time.

§ 6. This act to take effect from its passage.

Approved January 27, 1865.

CHAPTER 740.

AN ACT to confer upon Emily Vaughn all the rights of an unmarried woman,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Emily Vaughn, of Grant county, shall have the right to marry at any time without incurring any of the pains and penalties now prescribed by law for marrying within one year after the rendition of a decree for divorce in favor of her late husband.

§ 2. This act to be in force from its passage.

Approved January 27, 1865.

CHAPTER 741.

AN ACT to incorporate the Big South Fork Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and
corporate pow-
ers.

§ 1. That E. B. Jones, John S. VanWinkle, L. P. Baker, and E. L. VanWinkle, and their associates, successors, and assigns, are hereby created a body-politic and corporate, with perpetual succession, under the name and style of the "The Big South Fork Petroleum Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in their corporate name; may have and use a common seal; may purchase and lease, hold and control, sell and convey, assign and transfer, any real estate or personal property necessary for the purpose of conducting and forwarding the business of said company; and may make such rules and regulations for the government and transaction of the business of said company as may be deemed right and proper, not inconsistent with the laws of the United States and the State of Kentucky.

Further pow-
ers.

§ 2. Said company shall have power to open oil and salt wells; open mines for coal, iron, copperas, zinc, and all other minerals, upon the Big South Fork of Cumberland river, and other parts of the State in which said company may own lands or leases; shall have power to erect all manner of machine-shops, refineries, work-shops, and other establishments and furnaces, upon their lands and those

1865.

under their control, which they may deem necessary for the prosecution of the business of said company; may make wharves, landings, have and own all kinds of boats, floats, and other conveyances for their business; may make turnpikes and railroads to any and all points from their places of business and depots to such places as they may deem necessary and proper for the removal and transportation to market of the raw materials and manufactured articles within the range of their business; and may charge others the same rates of toll upon said roads as are authorized in the charter of "The Beaty Oil Well Company."

§ 3. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of not less than ten dollars each, to be subscribed and paid for according to the terms fixed by the by-laws and regulations of said company, which may be adopted, from time to time, for its government. The shares may be transferred in such manner as the company may direct, and the same may be entered upon the books of the company, which books shall at all times be open to the inspection of any stockholder. The shares of said company shall be deemed and held as personal property.

Capital stock.

May be transferred.

§ 4. That the lands, leases, and other privileges owned by said company, or which may be acquired by them or any of the members thereof, may constitute a part of the whole of the stock of said company, upon such terms as may be agreed upon by the owners and lessees of the lands held by them; and after said agreement they may, if they choose, in such manner as may be determined by them, proceed to the election of a president and five directors, with other officers, who shall hold their offices for the term of one year, and until their successors are duly elected; and such officers shall constitute a board for the transaction of the business of said company; notice of all elections shall be published for thirty days in some newspaper published in the city of Louisville, and in the city of Frankfort, Kentucky; and each stockholder shall have a vote for each share owned in said company, by proxy or otherwise; the chief office of said company shall be at Somerset, Kentucky, and it may have branches outside of the State.

Lands, &c., may constitute stock of company.

President, &c., to be elected.

Notice of elections.

§ 5. Said stockholders shall be responsible for the liabilities of the company to the extent of the stock held therein; no banking privileges are allowed by this charter.

Stockholders responsible for liabilities of company.

§ 6. The General Assembly reserves the right to amend, alter, or repeal this charter at pleasure.

§ 7. This act to take effect from and after its passage.

Approved January 27, 1865.

1865.

CHAPTER 742.

AN ACT for the benefit of James L. Arnold, late Clerk of the Nicholas Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, after the passage of this act, shall be allowed to James L. Arnold, late clerk of the Nicholas circuit court, to list and collect his uncollected fee bills, subject to all the pains and penalties provided by law for collecting illegal fee bills.

§ 2. This act to take effect from and after its passage.

Approved January 27, 1865.

CHAPTER 743.

AN ACT to incorporate the Muhlenburg Petroleum, Oil, Coal, and Salt Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That F. B. Hancock, J. H. Reno, J. E. Reno, Edward R. Weir, jr., and Joseph Ricketts, are hereby created a body-corporate, able to receive and grant anything within the compass of their chartered franchises and privileges, and to be denominated the "Muhlenburg Petroleum, Oil, Coal, and Salt Company," with the privilege and purpose of boring petroleum and salt wells in Muhlenburg county, or other counties in which they may own or acquire land, either by purchase or lease; and reducing the oil to burning fluid, paraffine, and to all its uses; trading in oil, either in its crude or refined state; to mine and sell coal, and making and trading in salt, and shipping it to domestic or foreign ports; lay conduct-pipes and construct railroads from their wells or mines to navigable rivers or railroads now constructed or to be constructed, and to make connections and turn-outs for their purposes; said company may buy, own, and use steam or other boats, for their purposes as aforesaid; they and their associates and successors shall continue and have succession for an indefinite period, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; also, shall have power to purchase, lease, and hold real estate for the purposes aforesaid, and to sell or lease any part they may desire, by deed or other conveyance; they shall have power to borrow money for the use of said company, not exceeding one half of the value of the realty proposed to be hypothecated, and at a rate of interest not exceeding eight

per cent., but not to exercise the privilege of loaning money or issuing bills or notes upon banking privileges.

1865.

§ 2. After said company shall be organized they shall have the power to ordain and establish such by-laws, ordinances, and regulations as shall be necessary for the well-being and government of said corporation, and not contrary to the laws of this State or of the United States.

§ 3. That the capital stock of this company shall be five hundred thousand dollars, divided into shares of one hundred dollars each.

§ 4. Said company, when organized, shall, by common consent of president and the directors, regulate the proportion of stock which may be issued to each member, on application.

§ 5. The president and board of directors shall have power to authorize any of its officers, or any stockholder, to sell stock to companies or individuals in the United States or in Europe; the proportion of stock to be disposed of to be determined by the president and directors.

§ 6. That this corporation, or a majority of the members, shall hold a meeting, at such time and place as they may select, for the purpose of organizing, by electing president, vice president, secretary, and treasurer; these officers to constitute a board of directors, and to continue in office for one year, or until their successors shall be elected, of which election timely notice shall be given. Every stockholder can vote in person or by proxy, and shall be entitled to one vote for every share he may own.

§ 7. Once in each year the secretary shall report to the annual meeting the condition of the corporation, and at all times have his books open for the inspection of the board of directors.

§ 8. That nothing in this act shall be construed so as to confer banking powers or privileges on this company.

§ 9. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 10. This act to take effect from its passage.

Approved January 25, 1865.

CHAPTER 746.

AN ACT to change voting places in Lewis County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting in the Laurel precinct, Lewis county, is hereby changed from Brightman's to William Stafford's.

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§ 2. That in the Crossings or Kinney precinct there shall be two places of voting, viz: one at Briery school-house and one at McKinney's school-house.

§ 2. This act shall take effect from its passage.

Approved January 27, 1865.

CHAPTER 747.

AN ACT to change the boundary of Election Precinct No. 3, in Grant County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of the election precinct No. 3, in Grant county, be so changed as to include in said district the farm and residence of Nathan Stewart, formerly owned by W. S. Ayers, on the road leading from Williamstown to Downingsville.

§ 2. This act shall take effect from its passage.

Approved January 27, 1865.

CHAPTER 748.

AN ACT authorizing L. A. Smithwick, Clerk of the Monroe County Court, to qualify as guardian of Samuel Wolford Pedigo.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. A. Smithwick, clerk of the Monroe county court, be allowed to qualify as guardian of Samuel Wolford Pedigo, by giving bond as now required by law.

§ 2. This act to take effect from and after its passage.

Approved January 27, 1865,

CHAPTER 750.

AN ACT in relation to the Railroad Tax in McCracken County.

WHEREAS, Doubts exist as to what acts may be legally done by the McCracken county court, when held by the judge thereof, or what acts require the justices to assist in holding said court in regard to the assessment, collection, settlements, and other acts relating to the railroad tax of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of McCracken county, when held by the judge thereof, to appoint assessors, collectors, and commissioners to settle with said collectors, or to revise the assessor's book, and

do any other lawful act pertaining to the railroad tax in McCracken county, except the levying of said tax.

1865.

§ 2. It shall be the duty each year of the county judge, as soon as the assessors of said tax shall have returned their books to the clerk of said court, to cause the justices, or a majority of all in commission, to meet on some named day, and levy said tax for the ensuing year; the said judge and a majority of said justices composing the court for levying said tax.

Approved January 28, 1865.

CHAPTER 751.

AN ACT for the benefit of the securities of G. W. Goodrum, late Sheriff of Marion County.

WHEREAS, It is represented to this General Assembly that George W. Goodrum, late sheriff of Marion county, joined the army of the so-called Confederate States, and has, up to this time, remained in said army. That he was insolvent when he joined said army, and had not paid over the railroad tax of his said county nor the State revenue, and his securities in his official bonds have been compelled to pay the same. And it is further represented that there is a considerable amount of said tax uncollected, as well as county levy; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Marion county court shall have power to appoint some person who shall take charge of said uncollected tax and list the same for collection with the sheriff of said county, who is hereby required to receive and receipt therefor; that said person shall, as he receives from the sheriff the money thus collected, distribute the same *pro rata* among the said securities in proportion to the sums they have had to pay for said George W. Goodrum. The sheriff and his securities, said securities consenting, shall be responsible for the collection and paying the same over, in the same manner as for the collection of other taxes. That the said securities, before they shall receive any of said money, shall execute, either jointly or separately, bonds before the said county court, with good security to said Goodrum, conditioned to pay back to said Goodrum any sum thus received, provided he shall make it appear that the same was improperly paid to said security.

§ 2. That the further time of two years, from the passage of this act, is given to the person named in the first section of this act to collect and distrain for any uncol-

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lected county levy, railroad, or State tax belonging to said Goodrum.

Approved January 28, 1865.

CHAPTER 752.

AN ACT to amend the charter of the Covington and Lexington Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the annual meeting of the stockholders of the Covington and Lexington turnpike road company for the election of a president and directors shall be held at Florence, Boone county, on the first Saturday of January of each year; and that the board of directors shall hold their quarterly meetings on the first Saturdays in April, July, October, and January of each year; the January meeting shall be held at Florence, and the other meetings shall be held at such places as the board may direct.

§ 2. The said turnpike road company is hereby empowered and authorized to purchase and hold parcels of real estate along the entire line of said road, of not more than five acres at each point, to be occupied by the contractors for the keeping of said road in repair; said parcels shall be located as nearly as may be at the middle of each section of five miles on said road.

§ 3. This act shall be in force and effect on the first day of April, 1865.

Approved January 28, 1865.

CHAPTER 753.

AN ACT for the benefit of Charlotte Culver, Guardian of the Minor Children of John Culver, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Boyd county shall have jurisdiction to settle with the executrix of John Culver's will and the guardian of his minor children; and the guardian or executrix shall file with the county court of Boyd county copies of such records and settlements made in the Greenup county court as may be necessary to make subsequent and final settlements.

§ 2. This act shall take effect from its passage.

Approved January 28, 1865.

CHAPTER 754.

1865.

AN ACT to incorporate Pond River Lodge, No. 244, of Free and Accepted Ancient York Masons.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the members of Pond River Lodge, No. 244, of Free and Accepted Ancient York Masons, at Greenville, in Muhlenburg county, Kentucky, and those hereafter admitted to membership in said Lodge, be, and they are hereby, incorporated in the name and style of "Pond River Lodge, No. 244, of Free and Accepted Ancient York Masons," and in that name shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, and shall have the power of acquiring and holding by purchase or otherwise real and personal property for Masonic purposes, not exceeding in value twenty thousand dollars; and may at any time sell and convey the same, or any part thereof, and reinvest or dispose of the proceeds; and to pass and adopt such by-laws for its government as it may deem proper: *Provided*, The same be not inconsistent with the laws and constitution of the United States or of this State. The said Lodge may adopt a seal, and renew and break the same at pleasure.

§ 2. The General Assembly reserves the right to amend, alter, or repeal this charter at any time.

§ 3. This act to take effect from its passage.

Approved January 28, 1865.

CHAPTER 756.

AN ACT to amend the Green County and Taylor County Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the president and directors of the Green County and Taylor County turnpike road company shall, in the year 1865, after twenty days public notice of the time and place of the election to the stockholders of said company, hold an election of the officers required by its charter to be annually elected; who shall hold their offices until the next annual election and their successors are elected and qualified.

§ 2. The board of directors thus elected shall at its first meeting prescribe by a by-law the day of annual election thereafter of directors and president of said company.

§ 3. The official acts of the president and directors, since the regular election, so far as the same may have been in

1865.

accordance with the powers conferred by the charter, are legalized, thereby made valid.

§ 4. This act shall be in force from its passage.

Approved January 31, 1865.

CHAPTER 757.

AN ACT to incorporate the German Printing Association of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles Schuff, Henry Knoefel, and Martin Bijur, their associates and successors, be, and they are hereby, incorporated as "The German Printing Association of Louisville, Kentucky," with the right by that name to contract and be contracted with, sue and be sued, acquire, hold, and dispose of property, real and personal (not to exceed \$50,000 in value at any one time); to have and use a common seal, and to exercise the ordinary powers of a private corporation.

§ 2. The capital of said company shall consist of not more than three hundred shares of \$50 each; and operations under this charter may commence as soon as \$7,000 have been paid into the hands of the treasurer to be appointed by the above named corporators; which fact shall be certified by them, and the certificate acknowledged before the clerk of the Jefferson county court, and recorded by him among the bonds and powers of attorney in his office: *Provided*, That the stockholders in the company hereby incorporated shall each be held individually responsible for the debts of said company.

§ 3. The company may make by-laws or delegate the power to make them to a select body; its ordinary business shall be conducted by a board of not less than three nor more than five trustees, the first of whom are to be elected within thirty days after the passage of this charter at a meeting to be called by the above corporators, and thereafter annually upon the second Saturday in January, at a general meeting of the stockholders, to be called in accordance with the by-laws.

§ 4. All votes at shareholders' meetings shall be taken by shares; but until the meeting in January, 1867, inclusive, no proxies shall be allowed; nor shall until then any shareholder be allowed to cast more than one third of the aggregate number of shares present at any meeting.

§ 5. The object of the corporation shall be confined to the printing and publishing business; and its charter will be forfeited if it should engage in any banking operations.

§ 6 The Legislature reserves the right to modify or repeal this act; and it shall be in force from and after its passage. 1865.

Approved January 31, 1865.

CHAPTER 758.

AN ACT incorporating a Hotel Company in Cattlettsburg, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John N. Richardson, Jeremiah Wellman, George N. Brown, Frank Browning, sr., William Campbell, and Laban T. Moore, and those that they may associate with them, and their successors and assigns, shall be, and they are hereby, created a body corporate and politic forever, by the name of "The President and Managers of the ——— Hotel Company," with power and authority to contract and be contracted with, sue and be sued, plead and be impleaded, as natural persons, in all the courts and places whatever; and have and use a common seal; also, to purchase and hold in fee or by lease the necessary lot or lots in Cattlettsburg, Kentucky, for a convenient hotel, and such other lots as they may require for stables, carriage-houses, and other necessary buildings, and all such goods and chattels as may be necessary in the construction and in furnishing said hotel; and it shall be lawful to build one or more stores in connection with the hotel or other buildings; but they shall not issue or circulate promissory notes as money, or engage in the business of banking or brokerage.

§ 2. The capital of the corporation shall not exceed fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; the shares shall be personal estate, and be transferable in the books of the company according to the by-laws of the corporation; and each shall entitle the holder to one vote at all elections of officers and all meetings of the stockholders.

§ 3. The persons named in the first section of this act shall be the first directors of the company, and shall choose one of the body president, and shall, by the by-laws, provide for annual elections of directors after the first two years.

§ 4. If any of the persons named shall not subscribe for stock, they shall cease to be directors, and none but stockholders shall be either president or directors of the company.

§ 5. The persons named in this act shall act as commissioners to receive subscriptions to the stock of the company, and the subscription shall fix the time and manner

1865. of paying for the stock, and what failure shall authorize a forfeiture of the stock for not complying with the terms on which it was subscribed.

§ 6. The president and directors are hereby authorized, by order of the board, to fix the name of the hotel hereby incorporated, and also to change the same to some other name; and by whatever name they assume, by that name they may sue and be sued, and hold and exercise all corporate privileges according to the terms of this charter.

§ 7. The corporation shall have the right to borrow on its credit an amount not exceeding the capital stock, and secure the same by mortgage on the hotel, at such rate of interest and at such time as the president and directors think proper.

§ 8. The president and directors shall have power to make by-laws for the government of the corporation, and amend and change the same: *Provided*, Such by-laws shall not be in contravention of the constitution and laws of this State or of the United States.

§ 9. Any county court or corporation in this State may subscribe stock in this corporation, a majority of all the justices of any county court, or a majority of the trustees or directors of any corporation, agreeing thereto.

§ 10. This act to take effect from its passage.

Approved January 31, 1865.

CHAPTER 759.

AN ACT to incorporate the Big Paint Creek Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, &c.

§ 1. That Martin Preston, U. B. Evarts, Ross Forward, Roland Whitney, B. M. Anderson, J. T. Boyle, Collis Ormsby, and E. D. Tyler, and their successors, be, and they are hereby, created a body corporate and politic, by the name of the "Big Paint Creek Oil Company," for the term of thirty years, with all the powers and authority incident to corporations, for the purposes hereinafter mentioned.

May hold lands,

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

Capital stock,

§ 3. The capital stock of the Big Paint Creek Oil Company shall be five hundred thousand dollars, and shall be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

§ 4. The affairs of said company shall be managed by eight directors, one of whom shall be president, all of whom shall be stockholders in said corporation; the first board of directors shall consist of Martin Preston, U. B. Evarts, Ross Forward, R. Whitney, B. M. Anderson, J. T. Boyle, Collis Ormsby, and E. D. Tyler, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules for the government of the corporation, and management of its affairs and business, as they deem proper, not inconsistent with the constitution and laws of the State or of the United States. The said incorporators, or any of them, may open books of subscription, and receive subscriptions to the capital stock of said company herein incorporated; and books of subscription may be opened, and subscriptions received, at such times and places, and upon such notices thereof, as any three of said incorporators may deem right and proper.

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Who to manage business.
First board of directors.

May make by-laws.

Books to be opened.

§ 5. The said Big Paint Creek Oil Company shall not own, in fee simple or by lease, lands exceeding in value five hundred thousand dollars, the capital stock of the company. Whenever one hundred thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year, and as provided herein. The board of directors of said corporation may fill all vacancies occasioned by death or resignation, or otherwise, and may make such calls of payment of stock as they deem proper, not to exceed twenty per cent. for every thirty days. They may keep their office at such place or places as they deem to the interest of the corporation. They may appoint a secretary, treasurer, superintendent, and other officers as they may deem necessary, with such compensation for services as they may fix, and, by their by-laws, regulate and fix the mode of keeping their records as may be deemed necessary.

Not to own property exceeding capital stock.

When meeting to elect directors to be held.

Vacancies, how filled.

Where office may be kept.

Officers to be appointed.

§ 6. Nothing in this act shall be construed as conferring banking powers upon this corporation.

§ 7. The General Assembly reserves the right to alter, amend, or repeal this charter at will.

§ 8. This act to take effect from its passage.

Approved January 31, 1865.

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CHAPTER 760.

AN ACT to incorporate the Pulaski County Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names. § 1. That F. T. Fox, sr., A. H. Hager, J. S. Newberry, W. McKee Fox, J. T. Boyle, A. O. Durland, and R. A. Watts, and their successors, be, and they are hereby, created a body corporate and politic, by the name of the "Pulaski County Petroleum Company," for the term of thirty years, with all the powers and authority incident to corporations, for the purposes hereafter mentioned.

May hold lands. § 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

Capital stock. § 3. The capital stock of the Pulaski County Petroleum Company shall be five hundred thousand dollars, and shall be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

Who to control business. § 4. The affairs of the said company shall be managed by eight directors, one of whom shall be president, all of whom shall be stockholders in said corporation; the board of directors shall consist of F. T. Fox, sr., A. H. Hager, J. S. Newberry, W. McKee Fox, J. T. Boyle, A. O. Durland, and R. A. Watts, who shall continue in office until their successors are elected by a majority of interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected; if any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules for the government of the corporation and management of its affairs and business as they deem proper, not inconsistent with the constitution and laws of the State or of the United States. The said corporation, or any of them, may open books of subscription and receive subscriptions to the capital stock of said company herein incorporated; and books of subscription may be opened and subscriptions received at such times and places, and upon such notices thereof, as any three of said corporators may deem right and proper.

First board of directors.

May make by-laws.

Books to be opened.

Not to own property exceeding capital stock. § 5. The said Pulaski County Petroleum Company shall not own, in fee simple or by lease, lands exceeding in value five hundred thousand dollars, the capital stock of the company; whenever one hundred thousand dollars of

the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year, and as provided herein; the board of directors of said corporation may fill vacancies occasioned by death or resignation or otherwise, and may make such calls for payment of stock as they deem proper, not to exceed twenty per cent. for every thirty days; they may keep their office at such place or places as they deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and other officers as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary.

1865.

When directors to be elected.

Vacancies.

Where office to be kept.

Officers to be appointed.

§ 6. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 7. This act to take effect from its passage.

Approved January 31, 1865.

CHAPTER 761.

AN ACT to incorporate the Jefferson and Hardin Coal and Rock Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Roberts, James S. Pirtle, and Wm. T. Applegate, of Jefferson county; John L. Helm, Charles G. Wintersmith, S. B. Thomas, Charlton D. Shean, of Hardin county; Saml. E. DeHaven, of Oldham county, and their assigns, are hereby created and made a body-corporate and politic, with right of succession, under the corporate name of the Jefferson and Hardin Coal and Rock Oil Company; for the purpose of boring for and extracting minerals and mineral fluids, including coal and coal oil, and disposing of the same.

Corporators' names, and corporate powers.

§ 2. Said company may have and hold real, personal, and mixed estate; may have a corporate seal, and in its corporate name may contract and be contracted with, sue and be sued, and do all other necessary acts to carry out the objects and purposes of its creation.

May hold real estate, &c.

§ 3. The management and control of said company shall be under a president and four directors, to be selected by a vote of the stockholders, a majority of shares controlling the election; the election to be held at the time and place designated by a majority of the foregoing commissioners, but not before fifty thousand dollars capital stock is subscribed to said company.

Who to conduct business.

§ 4. The president shall hold his office for two years, and until his successor is duly elected; the directors may fix his salary. The president and directors shall appoint

Term of office.

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Secretary to be appointed.

Directors, &c., to be elected for two years.

Capital stock.

When president and directors to be elected.

a secretary for two years; may fix his salary; he shall also be treasurer of the company; shall be required to give bond, with sufficient surety, in such amount as the president and directors shall, from time to time, require for the faithful discharge of the duties of said office. The directors shall be elected for two years; but they, or either of them, as also the president and secretary, may be removed from office at any time by a vote of two thirds of the capital stock, and others substituted in their places.

§ 5. The capital stock of the company shall not exceed one million of dollars, to be divided into shares of fifty dollars each; said commissioners may open subscription books at such times and places as they may deem expedient; there shall be five dollars paid to said commissioners on each share subscribed at the time of subscription, and a bond executed to the company, payable in such installments and at such times as the president and directors may thereafter order.

§ 6. So soon as fifty thousand dollars of capital stock is subscribed to said company, said commissioners shall publish a notice, in at least two of the daily newspapers published in Louisville, calling the subscribers together, either at some house in Louisville or Elizabethtown, the house to be designated in the notice, and also the day of election, which shall be fifteen days after the day of publication; and also that fifty thousand dollars of stock had been subscribed, and that an election would be held for president and directors under this charter; any stockholder may vote by proxy authorized in writing.

§ 7. Said company may sue and recover from any subscriber the unpaid amount of his subscription or subscription bond.

§ 8. The Legislature reserves the right to alter or amend this charter at pleasure.

§ 9. This act shall take effect from and after its passage.

Approved January 31, 1865.

CHAPTER 762.

AN ACT to incorporate the Germania Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That Nicholas Miller, Pack Thomas, and Edwin S. Graham, their associates, successors, and assigns, be, and they are hereby, constituted a body-corporate and politic, by the name, style, and title of the "Germania Oil Company;" and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, to plead and be implead-

ed, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain, establish, and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government of said corporation, not being contrary to law.

1865.

§ 2. The capital stock of said company shall be three hundred thousand dollars (and may be increased or diminished fifty per cent. by a vote of the majority of the stockholders, at any time, upon a notice of ten days), to be divided into shares of twenty dollars each; said company may, however, commence operations as soon as fifty thousand dollars of said capital stock shall be subscribed, and twenty thousand dollars thereof paid in; and the remaining portion of said capital stock may be issued and sold by the board of directors of said company at such times as may seem to them best.

Capital stock.

§ 3. The said company shall have the power to purchase, negotiate for, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: To explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, and other minerals, and in the manufacture of the same and other products of lands now owned by them, or which may hereafter be owned by them; to purchase, build, and own boats and other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transaction; to hold such mining rights and rights of way and real estate as they may deem necessary for the successful prosecution of their business; and the same, or any part thereof, to sell or otherwise to dispose of, as the interests of said company may require.

May hold real estate, &c.

§ 4. For conducting the affairs of said company a board of five directors shall be chosen; said board shall choose one of its number who shall be the president of said company; and said board shall serve for one year, or until their successors are elected and qualified. The president and directors shall have power to appoint all officers, agents, and servants under them, and to remove them at pleasure. In all elections each share shall entitle the holder to one vote, and stockholders may vote by proxy.

President and directors, &c., to be appointed.

§ 5. The stock of said company shall be deemed personal estate.

§ 6. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure: *Provided, however,* That the stock at no time shall exceed the maximum amount herein named.

Books may be opened.

§ 7. That it shall be lawful for the president and directors of said company, from time to time, and at all times, to borrow or obtain on loans such sums of money, and on

May borrow money.

1865.

such terms, as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estate, improvements, privileges, effects, and assets of said company, for the repayment of said sums of money so borrowed, at such times as may be agreed upon.

§ 8. In the event of a failure on the part of any stockholder to pay up his stock, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

§ 9. Said company shall have, possess, and enjoy all rights, powers, privileges, and immunities conferred by law in this State upon any other company chartered for similar purposes.

§ 10. Nothing in this act shall be construed as conferring banking powers upon this corporation.

§ 11. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 12. This act to take effect from its passage.

Approved January 31, 1865.

CHAPTER 763.

AN ACT to incorporate the Boyd's Creek Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Edwin S. Graham and Pack Thomas, their associates, successors, and assigns, he, and they are hereby, constituted a body-corporate and politic, by the name, style, and title of the "Boyd's Creek Oil Company;" and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain, establish, and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of this State or of the United States.

§ 2. The capital stock of said company shall be five hundred thousand dollars, to be divided into shares of twenty dollars each. Said company may, however, commence operations as soon as fifty thousand dollars of said capital stock shall be subscribed and twenty thousand dollars thereof paid in; and the remaining portion of said capital stock may be issued and sold by the board of directors of said company, at such times as may seem to them best.

1865.

§ 3. The said company shall have the power to purchase, negotiate for, and hold, as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, and other minerals, and in the manufacture of the same and other products of lands now owned by them or which may hereafter be owned by them; to purchase, build, and own boats and other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transaction; to hold such mining rights and rights of way and real estate as they may deem necessary for the successful prosecution of their business; and the same, or any part thereof, to sell or otherwise to dispose of, as the interests of said company may require.

§ 4. For conducting the affairs of said company a board of five directors shall be chosen; said board shall choose one of its number who shall be the president of said company; and said board shall serve for one year, or until their successors are elected and qualified. The president and directors shall have power to appoint all officers, agents, and servants under them, and to remove them at pleasure. In all elections each share shall entitle the holder to one vote, and stockholders may vote by proxy.

§ 5. The stock of said company shall be deemed personal estate.

§ 6. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure: *Provided, however,* That the stocks at no time shall exceed the maximum amount herein named.

§ 7. That it shall be lawful for the president and directors of said company, from time to time, and at all times, to borrow or obtain on loans such sums of money, and on such terms, as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estates, improvements, privileges, effects, and assets of said company, for the repayment of said sums of money so borrowed, at such times as may be agreed upon.

§ 8. In the event of a failure on the part of any stockholder to pay up his stock, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

§ 9. Said company shall have, possess, and enjoy, all rights, powers, privileges, and immunities conferred by law in this State upon any other company chartered for similar purposes.

§ 10. Nothing herein contained shall be construed into conferring banking powers upon this corporation.

1865.

§ 11. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 12. This act to take effect from its passage.

Approved February 3, 1865.

CHAPTER 764.

AN ACT to incorporate the Liberty Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. P. Henderson, William Terry, J. S. Newberry, R. B. Hall, J. T. Boyle, J. M. Bryant, and George T. Whitney, and their successors, be, and they are hereby, created a body-corporate and politic, by the name of "The Liberty Petroleum Company," for the term of thirty years, with all the powers and authority incident to corporations, for the purposes hereinafter mentioned.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

§ 3. The capital stock of the Liberty Petroleum Company shall be five hundred thousand dollars, and shall be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock of said company may be increased, if deemed necessary by the board of directors.

§ 4. The affairs of said company shall be managed by seven directors, one of whom shall be president, all of whom shall be stockholders in said corporation; the first board of directors shall consist of D. P. Henderson, J. S. Newberry, R. B. Hall, J. T. Boyle, William Terry, J. M. Bryant, and Geo. T. Whitney, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year or until their successors are elected. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else; they may adopt such by-laws and rules for the government of the corporation and management of its affairs and business as they may deem proper, not inconsistent with the constitution and laws of the State or of the United States; the said corporators, or any of them, may open books of subscription and receive subscriptions to the capital stock of said company herein incorporated, and books of subscription may be opened and

subscriptions received at such times and places and upon such notices thereof as any three of said corporators may deem right and proper.

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§ 5. The said Liberty Petroleum Company shall not own in fee simple or by lease lands exceeding in value five hundred thousand dollars, the capital stock of the company; whenever one hundred thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year, as provided herein; the board of directors of said corporation may fill vacancies occasioned by death or resignation or otherwise, and may make such calls of payment of stock as they deem proper, not to exceed twenty per cent. for every thirty days; they may keep their office at such place or places as they deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and other officers, as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records, as may be deemed necessary.

§ 6. Nothing in this act shall be construed into conferring banking powers upon this corporation.

§ 7. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 8. This act to take effect from its passage.

Approved January 31, 1865.

CHAPTER 765.

AN ACT for the benefit of Bath County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Bath county shall have power to sell and convey the poor-house lands belonging to the county of Bath, and purchase another tract with the proceeds.

§ 2. This act to take effect from its passage.

Approved January 31, 1865.

CHAPTER 766.

AN ACT to increase the powers of the Marshal of the City Court of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the marshal of the city court of Paducah to execute any and all civil process

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which by law a constable may execute, and may charge for his services the same fees which constables by law are entitled to charge for similar services.

Approved January 31, 1865.

CHAPTER 767.

AN ACT to amend the Charter of Clayvillage, in Shelby County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of Clayvillage, in Shelby county, be, and the same is hereby, so amended as to extend the western limits of said village westward, so as to include the present residences of Dr. Noble Nash and James F. Middleton within the corporate limits of said Clayvillage.

§ 3. This act to take effect from its passage.

Approved January 31, 1865.

CHAPTER 768.

AN ACT for the benefit of the Poor-House of Nicholas County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Nicholas county be, and is hereby, authorized to assess an ad valorem tax of four cents on the one hundred dollars, upon all the taxable property of Nicholas county for the year 1865, for the benefit of the paupers of the poor-house of said county; and the sheriff of the county is hereby authorized, under the direction of the said county court, to collect said taxes in the same manner and at the same time and under the same liabilities he collects the public revenue of said county; and for collecting which he shall be allowed a commission of five per cent. on the amount collected; and the fund so raised shall be appropriated to the paupers of said poor-house alone, by the county court.

§ 2. This act to take effect from its passage.

Approved January 31, 1865.

CHAPTER 770.

AN ACT to incorporate the Wayne County Beaty Oil Well Company

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William R. Lanphear, William Seniour, John G. Wells, Robert E. J. Miles, L. Barney, and E. L. Van-Winkle, their associates, successors, and assigns, are here-

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by created a body-politic and corporate, with perpetual succession, under the name and style of "The Wayne County Beaty Oil Well Company," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in their corporate name, in all of the courts; may have and use a common seal; may alter and change the same at pleasure; may purchase and hold lands and leases upon the same; may sell, convey, transfer, and assign the same to any person or persons or corporations; may have, hold, and transfer any personal property necessary for the transaction of their business; may make such rules and regulations for the government and management of the business of the company, from time to time, as may be deemed right and proper.

§ 2. The object of said company is to develop the petroleum, rock, and carbon oils, iron, coal, copperas, zinc, and other minerals, lumber and vegetable resources of the Big South Fork of the Cumberland river, as well as of the main Cumberland river, and other parts of the State in which they may own or acquire mineral lands or leases upon the same for development; may manufacture any and all minerals, oils, and other substances; transport the same to eligible markets in the raw or manufactured state; and to this end the said company may open oil wells and mines for all manner of minerals upon their lands, cut and transport to market lumber of all kinds; shall have power to erect all manner of work-shops, mills, refineries, furnaces, depots, and other buildings which may be deemed proper for the prosecution of their business; may purchase, contract, and own wharves and landings upon the rivers aforesaid and their tributaries, and may improve the navigation of said rivers; the Big South Fork of the Cumberland river, from any point in the State to the mouth thereof, at Point Burnside; and may improve the navigation of the main Cumberland, from any point below the falls to the mouth of Greasy creek, in Russell county, Kentucky, by the erection of dams and locks, and the removal of all manner of obstructions in said rivers, subject to the supervision of the Board of Internal Improvement of the State; and when such improvements are completed, may charge such rates of toll as are charged on the Kentucky river; may construct boat-yards, build and own all kinds of boats; may construct turnpikes and railroads to and from any of the works or depots of said company to any and all points within the State where said company may wish to deliver their products in the raw or manufactured state; and when said turnpikes and railroads are completed, may charge the same rates of toll, per capita and per ton, as may be charged on the Danville and Hustonville turnpike road and upon the Louisville and Nashville railroad.

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§ 3. That the owners of the lands and leases shall be considered as the original stockholders; and said lands and leases shall be represented by twenty-five hundred shares of five hundred dollars each, and shall be sold at their par value, unless otherwise agreed by the said original stockholders. These stocks shall be in the form of certificates of stocks, and each shall admit those to whom they are issued to the absolute ownership of one undivided twenty-five hundredth part of all the lands and leases placed in said company as the basis of said organization. Said certificates shall be signed by the president and secretary of the company, with the seal of the company affixed, and shall be admitted to record without further proof or acknowledgment; and the holders thereof shall stand in the attitude of trustees for new stock issued.

§ 4. The capital stock of said company shall not exceed ten millions of dollars, and shall be divided into shares of not less than ten dollars each, one half of which may be sold at sixty cents per hundred and the balance at par, as said company may elect; said stocks to be paid for in such manner as said company may determine by its by-laws and regulations adopted from time to time; said shares may be transferred in such manner as the company may direct. The form thereof shall be also determined by the company, and may be entered on the books of said company, which books shall at all times be open to the inspection of the shareholders. Said stock shall be held and deemed personal property.

§ 5. Said company may, as soon after its organization as they may deem proper, have a meeting held of the shareholders at Frankfort, Kentucky, for the purpose of electing a president and six directors, a treasurer and secretary, and shall give twenty days' notice of the time at which said election shall be held. The officers so elected shall hold their offices for one year, and until their successors are duly elected; the time of annual elections shall be determined by the president and directors, which action shall be published in one of the leading newspapers published in the city of Frankfort, for twenty days before said elections. All moneys paid to said company shall be paid to the treasurer thereof, who shall execute bond, with approved security, for the faithful discharge of his duty, and for any breach thereof may be sued by the party aggrieved. The principal office of said company shall be kept at Frankfort, and it may have branch offices outside the State. The affairs of said company shall be regulated by the president and directors thereof.

§ 6. No banking privileges are allowed said company, and no power is conferred to make any by-law or regula-

tion inconsistent with the laws of the United States or of the State of Kentucky.

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§ 7. The treasurer of said company may, under the supervision of the board, deposit the funds of the company in such banks and places as may be deemed safe and secure; may invest the same in real or personal property, subject to the conditions embraced in the sixth section of this act.

§ 8. The liability of the shareholders shall be to the extent of stock held by each; and each shall have as many votes in all elections as he owns shares.

§ 9. The board of directors may, from time to time, declare dividends and determine the manner of payment; and all dividends, except those arising from the sales of stocks herein authorized, shall be equally apportioned among the stockholders, according to the shares held by each.

§ 10. This act to take effect from its passage.

Approved January 31, 1865.

CHAPTER 771.

AN ACT to enlarge the Jurisdiction of the Police Judge of the Town of Monterey, in Owen County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the civil jurisdiction of the police judge of the town of Monterey, in Owen county, be, and the same is hereby, so enlarged as to be co-extensive with the jurisdiction of a justice of the peace in all civil actions in said county.

§ 2. That this act shall be in force from its passage.

Approved January 31, 1865.

CHAPTER 772.

AN ACT for the benefit of James H. Walker, former Sheriff of Crittenden county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James H. Walker, former sheriff of Crittenden county, have the further time of two years in which to list for collection his fee bills and claims for taxes, uncollected and still due him as such sheriff; and said fee bills shall have, when so listed for collection, the same distrainable force and effect that like claims now have by law; and

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said Walker shall be liable to the same penalties for an illegal distress that sheriffs now are.

§ 2. This act shall take effect from its passage.

Approved January 31, 1865.

CHAPTER 773.

AN ACT for the benefit of James P. Chambers, Clerk of the Jefferson Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James P. Chambers, clerk of the Jefferson circuit court, shall have two years, from and after the passage of this act, to collect any fee bills due him, subject to the same restrictions now imposed by law for issuing and collecting illegal fee bills.

§ 2. This act to take effect from its passage.

Approved January 31, 1865.

CHAPTER 774.

AN ACT for the benefit of N. B. Stephens, late Clerk of the Kenton Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be, and the same is hereby, given to N. B. Stephens, late clerk of the circuit court of Kenton county, to list and collect his fee bills, subject to all the pains and penalties of existing laws for restraining and collecting illegal fee bills.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved February 1, 1865.

CHAPTER 775.

AN ACT for the benefit of T. H. Hanks, late Circuit Clerk of Anderson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. H. Hanks, late clerk of the Anderson circuit court, is hereby allowed two years, from and after the passage of this act, to collect any fee bills due him, subject to the same pains and penalties now imposed by law for collecting and issuing illegal fee bills.

§ 2. This act to take effect from its passage.

Approved February 1, 1865.

CHAPTER 776.

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AN ACT for the benefit of Ben. C. Allin, late Clerk of the Mercer Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1: That Ben. C. Allin, late clerk of the Mercer circuit court, be allowed the further time of two years to list and collect his fee bills, under the same penalties and benefits that attached to him while he was circuit clerk.

§ 2. This act to take effect from its passage.

Approved February 1, 1865.

CHAPTER 777.

AN ACT providing for the Levy and Collection of a Tax to pay the Kenton County Bounty Fund.

WHEREAS, Divers of the citizens of Kenton county, for the purpose of raising the quota of troops required from said county, under the call for 500,000 men made by the President of the United States on the 18th day of July, 1864, did subscribe and pay the sum of \$73,906 95 into a bounty fund, which money was expended in bounties to volunteers entering the military service of the United States from said county, under the call aforesaid; and whereas, a portion of said volunteers received, in lieu of money, certificates of indebtedness for one half of their bounties, which certificates amount to the sum of \$38,800; and whereas, said sums were so subscribed and paid, and said certificates so received, with the full and general understanding among the citizens of said county that a tax should be levied in said county for the purpose of refunding said money and paying said certificates; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of said county shall, at its first term after the return and correction of the assessor's book in each of the years 1865, 1866, and 1867, levy a tax of fifty cents on each one hundred dollars in value of all estate of every description subject to taxation under the general revenue laws of this Commonwealth, as the same shall be returned upon said assessor's books in each of those years, which tax is to be charged to and collected from the owners of said property, as their names appear on said assessor's books; and the said court shall assess a further tax of three dollars on each tithe, as returned on said assessor's books, in each of said years.

County Court may levy tax.

§ 2. That as soon as the sheriff shall receive a copy of the tax-book in each of those years, he shall give notice through said county, by printed bills and in any newspa-

Tax to be paid at sheriff's office, and when.

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Property sold
for taxes may
be redeemed.

Proceedings, if
property not
redeemed.

Sheriff respon-
sible on official
bond for taxes
collected.

To settle an-
nually.

per having a general circulation in said county, that said tax is due and payable at his office; and thereupon it shall be the duty of every person against whom the taxes prescribed by the preceding section shall be assessed, to make payment thereof to the sheriff at his office, on or before the first day of September in each year; and in default thereof, the sheriff shall add ten per centum thereto, and shall forthwith proceed to collect said tax and penalty by distraining and selling personal estate and slaves of the delinquent in the manner prescribed in section five of chapter 83 of the Revised Statutes, which property shall be liable to said distraint and sale, notwithstanding any lien that may exist thereon; and if he shall be unable to find personal estate or slaves sufficient to pay such tax, he may levy upon so much of the real estate belonging to such delinquent as will pay said tax, and shall advertise and sell such estate in the same manner as he is directed by law to sell real estate levied on under execution, except that such real estate shall all be sold at the City Hall door in Covington; and the owner of such property shall have the right to redeem the same within one year, by paying to the purchaser his bid, with twenty-five per centum interest thereon, within one year next after the day of sale; and except that in no case shall there be any appraisement of such real estate, and that the sheriff shall make all sales of real or personal estate under this act for cash in hand. If such real estate is not redeemed within one year, the sheriff, or his successor, or the deputy making the sale, shall make a deed to the purchaser for such real estate, which shall convey the title thereto to the purchaser. The ten per centum penalty prescribed herein shall be taken by the sheriff as a compensation for collecting said delinquent tax. The sheriff and his sureties shall be responsible on his official bond for all taxes collected under this act. He shall, at the January term of the county court of each year, settle with the county court, at which settlement he shall be charged with the amount of the tax assessed against the property and tithes appearing on said tax-book, and shall be credited with the amount of receipts produced by him from the board of bounty fund commissioners (hereinafter provided), and with any delinquent list he may produce to said court, and to which he shall have made oath to the effect that no part of the taxes therein have been collected or are collectable by reason of the party's owing the same having no property subject to distraint or sale in this county; and for any balance found against said sheriff the said board shall proceed to enforce payment by legal proceedings.

§ 3. That the county court of Kenton county shall, immediately after the passage of this act, appoint three dis-

creet persons, to be called "The Board of Bounty Fund Commissioners of Kenton County," and who may sue and be sued in that name. They shall hold their office till the object of this act shall be accomplished. The county court shall fill any vacancy that may occur.

§ 4. That said board, immediately after their acceptance of said appointment, and as often thereafter as necessary, shall elect one of their number treasurer, who, before he enters upon the discharge of his duties, shall execute bond to the Kenton county court, with good surety, to be approved by the county court aforesaid, conditioned for the faithful performance of all his duties as treasurer of said board; which bond shall be recorded on the order book of said court, and a copy thereof shall be evidence in any court, and the original shall be filed and preserved among the records of said court, and on which all persons aggrieved by the conduct of said treasurer may sue in their own names; and the two remaining members of said board may sue thereon in the corporate name of said board. The sheriff of said county shall be responsible for all money paid to said treasurer by him before the approval and recording of said bond.

§ 5. That the sheriff of said county shall, on or before the 10th of September, and on or before the 10th of January of each year, and whenever at any other time he may be required so to do by notice from said board, make a full exhibit of all money by him collected under this act; and whenever said board shall have a treasurer qualified as aforesaid to receive money collected under this act, shall promptly pay the same over to said treasurer, under the penalties prescribed by law for failing to pay the county levy and State revenue, and shall take duplicate receipts from said treasurer, one of which he shall file in the county court, which shall be preserved among the records of said court. For all money which he shall collect and pay over under this act, without distraint or levy, he shall be allowed four per centum out of the money collected.

§ 6. It shall be the duty of said board to settle with and collect from said sheriff all money by him collected under this act, and to that end they may institute and prosecute legal proceedings against him and his sureties in the appropriate courts in said county, for any failure to collect or to pay over to the treasurer of said board any taxes or money levied or collected under this act.

§ 7. Immediately after the organization of said board, it shall be its duty to furnish to the companies of captains Thompson, Falls, and Francis at least ten copies each of this act; and it shall be its further duty to apply promptly the money received as aforesaid under this act—*first*, to

1865.

Bounty fund Commissioners to be appointed.

Term of office. Vacancies.

Treasurer to be appointed, and his duties.

Sheriff to make exhibit.

Board to settle with sheriff.

Duties of board.

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the payment of these certificates issued by the Kenton County Bounty Fund Committee, and signed by William Ernst, treasurer, which were received by any of the volunteers who entered the military service of the United States from Kenton county.

When payment on certificates to be made.

§ 8. No payment shall be made on any certificate until it has been filed with the treasurer of the board, or satisfactory proof of its loss has been made. When said board is ready to make the first or any other payment on said certificates, if the amount of the certificates presented and filed as aforesaid shall exceed the sum to be distributed, the same shall be paid *pro rata* upon the certificates filed; but on all certificates thereafter filed payments shall be made equal to those on the certificates first filed, before the latter shall receive further payment. The treasurer shall take and preserve a proper voucher for all payments by him made.

Assigned certificates not to be paid, except in certain cases.

§ 9. In case any certificate issued to said volunteers shall have been sold or assigned by them, the board shall not receive or make any payment on them to the assignee until he shall present said certificate with his own affidavit, stating the exact sum paid by him to said volunteer therefor, together with the time of payment. And in case he is not the immediate assignee of said volunteer, he shall present the affidavit of said volunteer, or, in case it cannot be had, of his immediate assignee, or of some person able to swear that he had personal knowledge of the amount received by the volunteer for said certificate, and who shall state what was received. And in case the consideration received by said volunteer was other than money, the assignee shall show by affidavit what it was, and its fair market value at the time it was received. And in no case where said certificates have been assigned, whether before or after the passage of this act, shall said board pay to the assignee thereof any greater sum than has been received by said volunteer therefor, with six per cent. interest from the time of its reception, provided the sum and interest paid shall in no case exceed the face of the certificate. But the balance of the sum due on such assigned certificate shall be retained by said board, and paid to said volunteer, his wife, widow, or relatives dependent on him, or to his heirs, in case of no widow or dependent relatives. In all cases where any of said volunteers shall have left their certificates with their wives, children, parents, or relatives dependent on such volunteer for a support, said board, upon their presenting and filing such certificate, with satisfactory proof of their relation to such volunteer, shall make payment to such relative in lieu of the volunteer. In case of the decease of any of said volunteers, the board shall pay his portion of the fund

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to the following persons, preferring them in the order named: his widow, his children, his dependent sisters, his parents, his next of kin. In no case where any volunteer has deserted the service, or has been dismissed or otherwise relieved therefrom otherwise than for wounds or disease contracted or developed while in the service, shall said board make any payment on his certificate to him, his assignees, or relatives. In no case shall any part of the fund going to said volunteers be attached or subjected by any legal process to the payment of their debts.

§ 10. Aftersaid certificates shall have been fully paid, said board shall apply the residue of the money to be raised under this act to the repayment of the money subscribed and paid into the Kenton county bounty fund in the summer and fall of 1864; but they shall in no case pay but upon the presentation and surrender of the proper receipt given for said money, except in cases of loss, of which satisfactory proof must be produced before payment.

How residue to be applied.

§ 11. After sufficient of said tax shall have been collected to pay the certificates issued to said volunteers, the sheriff shall receive in payment of said tax any of the receipts given to the citizens of said county for money paid into said bounty fund, provided said receipt shall have first been indorsed "correct" by the treasurer of said board; but before any receipt shall be so indorsed, and before any receipt shall be paid by the board, said board shall be satisfied that the receipt is genuine, and that the amount for which it was given was in good faith paid into said fund.

Receipt may be taken in payment of taxes in certain cases.

§ 12. The treasurer of said board, for receiving and disbursing said fund, keeping a proper account thereof, and receiving and returning said certificates properly canceled, shall receive one per cent. on the amount of said fund, to be paid out of it. It shall be the duty of said board to make annually a settlement with the court of claims of said county, at which they shall show and exhibit, by written report to be by them subscribed and accompanied with the proper vouchers, how they have performed their duties under this act, to which any person may except or object; and it shall be the duty of said court to examine said report and vouchers, and receive or reject the same according as it shall find it correct or otherwise.

Fees of Treasurer.

Board to settle with court of claims.

§ 13. In no case shall said tax exceed in any one year the amount designated in the first section of this act; and if in the year 1867 it shall be found that a tax of less than fifty cents on the one hundred dollars will, with the poll tax aforesaid, produce a sufficient sum to pay so much of said debt and expenses as shall remain unpaid, the tax of that year shall be diminished to such a sum as will probably cover the amount so due; and in determining what

Tax not to exceed certain amount.

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Proceedings in
case tax levied
is not suffi-
cient.

amount shall be levied the court shall advise with said board.

§ 14. If the tax authorized by the first section of this act shall not be sufficient to pay said debt in three years, there shall be levied and collected, in the year 1868, in the same manner as directed above, a further tax sufficient to liquidate any balance remaining unpaid thereon.

§ 15. No interest shall be allowed or paid on said certificates or receipts.

Justices in
Covington to
form part of
court in levy-
ing tax.

§ 16. The justices of the peace residing in the city of Covington may form a part of the county court to make the levy provided for in this act; and the taxes mentioned herein shall be levied and collected upon tithes and property in said city the same as in that portion of the county outside the city, any law or the charter of said city to the contrary notwithstanding.

§ 17. This act shall be in force from and after its passage.

Approved February 1, 1865.

CHAPTER 778.

AN ACT to provide a Bounty Fund in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, in order to raise a fund for the payment of additional bounties, and thus, by encouraging enlistments in the military service of the United States, to avoid a draft in the city of Louisville, the general council of said city shall have the power to issue and dispose of the bonds of said city to the amount of one hundred thousand dollars, bearing six per centum per annum interest, with coupons for semi-annual interest, and having such maturities, not exceeding twenty years from their date, and payable at such times and places and in such sums as may be expressed in said bonds.

§ 2. That to provide for the payment of said bonds and interest, said general council shall have power, from and after the 10th March, 1865, to levy and collect an *ad valorem* tax upon all real and personal property within the limits of the city of Louisville, at the rate of not exceeding ten cents per annum on each one hundred dollars' worth of said property, which taxes shall be secured by lien on the property, as now provided in the city charter, and shall be collected as other taxes. And if said *ad valorem* tax shall be levied, the general council shall, at the same time and for the same purpose, levy a *per capitation* tax of not exceeding ten dollars on each white male resident of said city between the ages of twenty and sixty years: *Pro-*

vided, however, That no person who has served two years or more in the army of the United States since the present rebellion, or who is exempt from draft by having furnished a substitute in said service, shall be subject to said *capitation* tax; and said *ad valorem* and *capitation* tax shall be levied and collected on assessments to be made under the directions of said general council.

§ 3. This act shall take effect from its passage.

Approved February 1, 1865.

CHAPTER 779.

AN ACT to incorporate the Kentucky Lodge, No. 50, Independent German Order of Harugari.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Welling; Phillipp Maurer, August Neuber, John Reh fuss, Friederich Tieke, and their associates, be, and are hereby, created a body corporate, by the name and style of "Kentucky Lodge No. 50, U. D. O. H.; and they, and their associates and successors, to continue and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, use, and have a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest and dispose of the proceeds.

§ 2. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

Approved February 1, 1865.

1865.

CHAPTER 780.

AN ACT to incorporate the Bourbon Petroleum and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. Fithian, L. S. Ball, R. Hutchcraft, H. C. Hutchcraft, and their successors and assigns, are hereby created a body-politic and corporate, under the name and style of the "Bourbon Petroleum and Mining Company;" and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter the same at pleasure; may make by-laws and regulations for the government of said company and management of its affairs, provided the same are not inconsistent with the laws of Kentucky or of the United States.

§ 2. Said company shall have power to appoint any one or more of its members, or other person or persons, to manage and control its business in such manner, under such official names and character, and with such limitation of their duties and authority, as may be prescribed in the by-laws and regulations which may from time to time be adopted by said company.

§ 3. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of twenty dollars each, which may be subscribed and paid for and transferred in such manner as may be prescribed by said company in its by-laws.

§ 4. The said company shall have power to acquire and hold such estate and property, real or personal, in Kentucky, by purchase, lease, or otherwise, as it may deem necessary and proper for carrying on the mining for coal, the smelting of iron, the conversion of timber into lumber, the boring for oil and salt, and other products and deposits in the earth, the manufacturing and refining all the aforesaid articles, and the building of all necessary machinery therefor, with power to sell and convey all such products, materials, and estate, or any part thereof, at pleasure; and may not only carry on the business herein indicated, but do such other things as may be necessary and incidental thereto; but said company shall have no banking privileges whatever.

§ 5. The Legislature retains the right of amending or repealing this act at pleasure.

§ 6. This act shall take effect from and after its passage.

Approved February 1, 1865.

CHAPTER 781.

1865.

AN ACT to incorporate the National Petroleum and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James F. Bridgeford, Thomas P. Hughes, Thos. T. Davis, A. H. Hager, Ed. R. Phelps, J. T. Boyle, James Parkhill, Marc Mundy, Z. M. Shirley, G. H. Ellery, John Cowan, and John Boyle, and their successors, be, and they are hereby, created a body corporate and politic, by the name of the "National Petroleum Company," for the term of thirty years, with all the powers and authority incident to corporations, for the purposes hereinafter mentioned.

Corporators' names, and corporate powers.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

May hold lands,

§ 3. The capital stock of the National Petroleum and Mining Company shall be five hundred thousand dollars, and shall be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock of said company may be increased, if deemed necessary by the board of directors.

Capital stock

§ 4. The affairs of said company shall be managed by ten directors, one of whom shall be president, all of whom shall be stockholders in said corporation; the first board of directors shall consist of James F. Bridgeford, Thomas P. Hughes, Thomas T. Davis, A. H. Hager, Ed. R. Phelps, J. T. Boyle, James Parkhill, Marc Mundy, Z. M. Shirley, E. H. Ellery, John Cowan, and John Boyle, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected; if any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules for the government of the corporation and management of its affairs and business as they may deem proper, not inconsistent with the constitution and laws of the State. The said corporators, or any of them, may open books of subscription and receive subscriptions to the capital stock of said company herein incorporated; and books of subscription may be opened and subscriptions received at such times and places, and upon such notices thereof, as any three of said incorporators may deem right and proper.

Who to manage affairs of corporation.

Vacancies how filled.

Books to be opened.

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Not to own
property ex-
ceeding capital
stock.

When direc-
tors to be elect-
ed.

Vacancies, how
filled.

Where office
may be kept.

Officers to be
appointed.

§ 5. The said National Petroleum and Mining Company shall not own, in fee simple or by lease, lands exceeding in value five hundred thousand dollars, the capital stock of the company; whenever one hundred thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year, and as provided herein; the board of directors of said corporation may fill vacancies occasioned by death or resignation or otherwise, and may make such calls of payment of stock as they deem proper, not to exceed twenty per cent. for every thirty days; they may keep their office at such place or places as they deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and other officers as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary.

§ 6. That the Legislature reserves the power to alter, amend, or repeal this act, and it shall take effect from its passage.

Approved February 1, 1865.

CHAPTER 783.

AN ACT to incorporate the Greenupsburg and Cincinnati Petroleum and Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioners
to open books.

Name & style.
and corporate
powers.

§ 1. That John E. Winn and William C. Ireland, or either of them, are hereby authorized to open books for the subscription of stock to a company known and designated as "The Greenupsburg and Cincinnati Petroleum and Oil Company," the intent and purpose of which is to develop the petroleum or other mineral resources of Greenup county, and procure and sell the same in their crude or manufactured state; and the said company is hereby declared a body-politic and corporate, with perpetual succession; and may sue and be sued, plead and be impleaded, as a natural person; contract and be contracted with; may have and use a common seal, and change and alter the same at pleasure; may purchase or otherwise acquire and hold real and personal estate necessary for the purpose of carrying on the business of the company; and sell and otherwise dispose of the same at pleasure; and make such rules and regulations as said company may deem necessary and proper for conducting the business thereof, not, however, inconsistent with the

constitution and laws of the United States or of this State.

1865.

§ 2. The capital stock of said company shall be one hundred thousand dollars, to be in shares of not less than five nor more than one hundred dollars, as the said Winn and Ireland may determine. The capital stock may be increased, by a vote of a majority in interest of the stockholders, to any amount not exceeding two hundred and fifty thousand dollars; and it is further provided, that said company may receive lands, oil wells, or mines, and mines of other minerals or privileges to mine or bore for oil, to constitute a part or the whole of the capital stock of said company, on such terms as may be agreed upon by the company and the owners of the same; and the shares for the same shall be deemed personal estate, and may be transferred as such on the books of the company.

Capital stock.

§ 3. The business of the company shall be the development of the oil and other mineral resources of Greenup county, Kentucky, and the manufacture and transportation to markets, and sell and dispose thereof; and to this end said company may purchase lands, oil wells, take or purchase leases of oil privileges, and other mineral privileges, and sites for manufacturing; may make roads, railroads, and other ways of communication and transportation to and from their lands and mines and manufactories, to the Ohio river or other points and markets; may construct and own wharves and landings, floats, tugs, and other boats: *Provided*, That any lands or materials appropriated, or sought so to be done, for roads or ways, shall be condemned and appropriated as pointed out by law for the condemnation and appropriation of the same for public county roads.

Business of corporation.

§ 4. As soon as twenty thousand dollars shall have been subscribed to the capital stock, either in money, lands, or oil or other mineral privileges, the stockholders, their authorized agents or proxies, may hold a meeting, at such time and place and upon such notice as said commissioners Winn and Ireland, or either of them, may fix, and proceed to elect not less than three nor more than five directors, who shall elect one of their number as president, and whose business it shall be to conduct the affairs of said company; appoint a secretary, treasurer, and employ any other officers, agents, and employes as they may deem best for conducting the business of the company. Said directors shall be elected annually, on such a day and at such a place as by the by-laws may be prescribed; but the election shall be in the town or county in which the company's principal office may be located: *Provided*, The first board shall be elected for the unexpired term of the current year. Each shareholder shall be entitled to one vote for each

When to be held to elect directors.

President and other officers to be appointed.

1865. share owned or controlled by him, and the votes may be given in person or by proxy.

Dividends.

§ 5. A dividend shall be declared on the secretary's books on such a day as the board may designate, and as often as the board shall provide in their rules and by-laws. The books of the company shall at all times be open and accessible to the inspection of any stockholder, and he shall be entitled to receive from the officers and agents of the company a full and fair explanation of the same. The said company may have its principal office outside of this State.

Officers to be stockholders.

§ 6. No one shall be a president, treasurer, or director, who is not a stockholder; and if either of said officers shall cease to be a stockholder, he shall cease to hold his said office; and the directors in office shall fill the vacancies for the current year; and if, from any cause, an election of directors cannot be had on the day fixed for the same, it may be had at any time during the current year, after ten days' notice to the stockholders or agents thereof. The said notice may be by advertisement in any newspaper the board may direct.

§ 7. Nothing herein contained shall be construed to confer any banking privileges on said company. The Legislature reserves the power to amend, modify, or repeal the same at pleasure.

§ 8. This act shall take effect from its passage.

Approved February 1, 1865.

CHAPTER 784.

AN ACT to incorporate the Philadelphia-Kentucky Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. S. Phelps, G. H. Barnes, J. K. Grant, R. S. McRenolds, John B. McGowan, N. B. Kelly, J. T. Boyle, George J. Henkles, H. Fitler, D. J. Justice, Wm. Osterkout, D. F. Barnes, John B. Herron, Thos. B. Harrison, John T. Edmunds, and their successors, be, and they are hereby, created a body corporate and politic, by the name of the "Philadelphia-Kentucky Oil Company," for the term of thirty years, with all the powers and authority incident to corporations, for the purposes hereinafter mentioned.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

§ 3. The capital stock of the Philadelphia Kentucky Oil Company shall be five hundred thousand dollars, and shall

be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock may be increased if deemed proper.

1865.

§ 4. The affairs of said company shall be managed by fifteen directors, one of whom shall be president, all of whom shall be stockholders in said corporation. The first board of directors shall consist of J. S. Phelps, G. H. Barnes, Jo. K. Grant, R. S. McRenolds, Jno B. McGowan, N. B. Kelly, J. T. Boyle, George J. Henkles, H. Fitler, D. J. Justice, Wm. Osterkout, D. F. Barnes, Jno. B. Heron, Thomas B. Harrison, and Jno. T. Edmunds, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules for the government of the corporation and management of its affairs and business as they deem proper, not inconsistent with the constitution and laws of the State. The said corporation, or any of them, may open books of subscription and receive subscriptions to the capital stock of said company herein incorporated; and books of subscription may be opened, and subscriptions received, at such times and places, and upon such notices thereof, as any three of said incorporators may deem right and proper.

§ 5. The said Philadelphia-Kentucky Oil Company shall not own, in fee simple or by lease, lands exceeding in value five hundred thousand dollars, the capital stock of the company; whenever one hundred thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year, and as provided herein. The board of directors of said corporation may fill all vacancies occasioned by death or resignation or otherwise, and may make such calls of payment of stock as they deem proper, not to exceed twenty per cent. for every thirty days. They may keep their office at such place or places as they deem to the interest of the corporation. They may appoint a secretary, treasurer, superintendent, and other officers, as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary.

1865.

§ 6. This act shall take effect from its passage; and the Legislature reserves the right to alter, amend, or repeal this charter at pleasure.

Approved February 1, 1865.

CHAPTER 785.

AN ACT for the benefit of Jerry South.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasury in favor of Jerry South, for the sum of three hundred and fifty-seven dollars and ninety-two cents, payable out of any money in the treasury not otherwise appropriated.

§ 2. That this act take effect from its passage.

Approved February 1, 1865.

CHAPTER 786.

AN ACT for the benefit of Wm. F. Coombs, Committee of Margaret Brown, a Pauper Idiot of Hardin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant on the Treasurer in favor of William F. Coombs for two hundred and sixty-two dollars and ninety cents, for the support of said Margaret Brown to December 29, 1864.

§ 2. That this act shall take effect from its passage.

Approved February 1, 1865.

CHAPTER 789.

AN ACT for the benefit of W. D. Black's Securities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to settle with all or a part of the sureties of W. D. Black, late sheriff of Pulaski county, upon his revenue bonds for the years 1859 and 1860, with power to fully release and discharge one or all the sureties of said Black who may come up and make a settlement with him, the said Auditor: *Provided*, That the amount received by the Auditor from the sureties of Black shall not be less than twenty-five hundred dollars, exclusive of the amounts which can be collected by said Black from his late depu-

ties and their sureties, which is represented to be about twenty-five hundred dollars; and the Auditor is directed to have this last named sum coming from the deputies of said Black secured to the State before he fully discharges the sureties of Black who may offer to settle with him. Said Auditor is directed to discharge such of said Black's sureties as may settle with him, and none others.

1865.

§ 2. This act to take effect from its passage.

Approved February 3, 1865.

CHAPTER 790.

AN ACT for the benefit of Melinda Furgison.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. P. Gray be entitled to a credit upon his settlement as trustee of the jury fund of Clinton county for the sum of one hundred and forty dollars, as of date June 1, 1860, whenever he produces to the Auditor of Public Accounts a certified copy of a deed of release from E. L. Van-Winkle to Benjamin Furgison, of the land bought by him at sheriff's sale, to satisfy an execution in the name of the Commonwealth, against the said Benjamin Furgison and James Furgison.

§ 2. This act to take effect from its passage.

Approved February 3, 1865.

CHAPTER 791.

AN ACT for the benefit of Benjamin B Vaughn, late Sheriff of Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from and after the passage of this act, is hereby allowed Benjamin B. Vaughn, late sheriff of Cumberland county, to collect his uncollected taxes and fee bills, with the right to distrain for the same, subject, however, to all the pains and penalties as sheriffs are for collecting illegal fee bills, &c.

§ 2. This act to be in force from its passage.

Approved February 3, 1865.

1865.

CHAPTER 793.

AN ACT for the benefit of William McClure, of Rockcastle County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time, until the first day of June, 1865, be, and the same is hereby, allowed William McClure, late sheriff of Rockcastle county, to return his delinquent list for the year 1864.

§ 2. This act shall take effect from its passage.

Approved February 3, 1865.

CHAPTER 794.

AN ACT for the benefit of John Locke, late Sheriff of Daviess County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from and after the passage of this act, be allowed John Locke, late sheriff of Daviess county, to collect his fee bills and uncollected taxes, during which time said fee bills and taxes may be distrained for as now provided by law; said Locke shall be liable to all the pains and penalties prescribed by law for the issual or collecting of illegal fee bills or taxes.

§ 2. This act shall take effect from its passage.

Approved February 3, 1865.

CHAPTER 795.

AN ACT for the benefit of Rebecca Warren, administratrix of Green B. Warren, deceased.

WHEREAS, There was committed to the county jail of Russell county, on the 19th day of November, 1862, by due process of law, a runaway slave by the name of James Madison, and described in the order of commitment as the property of one Baxter Butler, of the State of Louisiana; and whereas, said slave was kept and dieted in said jail one hundred and thirty-two days, by Green B. Warren, the then jailer of said county, who was entitled by law to the sum of forty cents per day as compensation for keeping and dicting; and whereas, on the 20th day of March, 1863, said slave was taken by force and arms from said jail, and carried off by a band of rebel cavalry, thereby depriving said jailer of his fees for dieting and keeping said slave; and whereas, said Green B. Warren departed this life in

July, 1864, and his wife, Rebecca Warren, qualified as administratrix of her husband's estate; therefore,

1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Russell county is authorized to pay to Rebecca Warren, administratrix of Green B. Warren, the sum of fifty-three dollars and twenty cents, out of the county levy of said county.

§ 2. This act to take effect from its passage.

Approved February 3, 1865.

CHAPTER 796.

AN ACT for the benefit of Thos. M. Hicks.

WHEREAS, A sale was made at the court-house door, in the city of Louisville, on the 26th day of January, 1863, by the sheriff of Jefferson county, under and by virtue of an order made by the county judge of said county, of a negro woman named Lucy, about twenty years of age, and her boy child, named Andrew, about three years old, which negroes were arrested, advertised, and sold as runaways, according to the laws of the State of Kentucky; and at said sale Thos. M. Hicks became the purchaser of said woman and child, for the sum of nine hundred and eighty dollars, and afterwards paid the same to the sheriff of said county, and said sheriff has paid the same into the treasury of the State; and whereas, on the ninth day of May, 1863, said woman and child were forcibly taken from the possession of said Hicks by the military authorities of the United States, and said Hicks has been deprived of the benefit of his purchase; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of said Thomas M. Hicks for the sum of six hundred and seventy-one dollars and seventy cents, payable out of the runaway slave fund, which amount the Treasurer is, upon the warrant aforesaid, directed to pay: *Provided, however,* Before this act takes effect the said Hicks shall execute bond to the Commonwealth of Kentucky in the Jefferson county court, with security to be approved by said court, conditioned to pay to the former owner of said slave, their heirs and legal representatives, the said sum of six hundred and seventy-one dollars and seventy cents, whenever said owner or owners, their heirs and legal representatives, shall make the proof now required by law of owners claiming the proceeds of runaway slaves, and shall fully indemnify the State from loss on account of the payment of said sum;

1865.

and said bond may be sued on by the owner or owners in his own name, without including the Commonwealth; the clerk of said court shall transmit to the Auditor of Public Accounts a copy of said bond, when executed as aforesaid, upon the receipt of which he shall issue his warrant as hereinbefore provided.

§ 2. This act shall take effect from its passage.

Approved February 3, 1865.

CHAPTER 797.

AN ACT for the benefit of William Herrin, Sheriff of Fulton County.

WHEREAS, At the March term of the Fulton circuit court for 1864, Henry Partee and John Wallace were convicted and sentenced to undergo confinement in the State penitentiary; and whereas, William Herrin was sheriff for said county for the year 1864, whose duty it was to convey said convicts to the penitentiary, and who did deliver them there; and whereas, there has been held in said county no term of the circuit court since March, 1864, so that the account of said sheriff for conveying said convicts to the State prison could not be proved, and an order issued for the payment of the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, authorized and directed to credit William Herrin, sheriff of Fulton county, with the sum of four hundred and fifteen dollars and seventy-five cents, in any settlement he may make with him for the revenue due from Fulton county for the year 1863.

§ 2. This act to take effect from its passage.

Approved February 3, 1865.

CHAPTER 798.

AN ACT to incorporate the Twelfth Street Methodist Episcopal Church, South, of the city of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas D. Howard, William H. Head, F. G. Watkins, J. S. Brewer, and William R. Gray, and their successors, be, and they are hereby, created a body-politic and corporate, by the name and style of "The Board of Trustees of the Twelfth Street Methodist Episcopal Church, South, of the city of Louisville, Kentucky," and by that name shall have perpetual succession; and in their corpo-

rate name have power to buy, take by devise or bequest, by gift or by deed, any real estate, and any personal property necessary for a place of divine worship and a parsonage, which together shall not exceed in value the sum of seventy-five thousand dollars; and shall have power to sue and be sued, plead and be impleaded, so far as may be necessary to protect the property and rights of said church; and to hold and employ the property so acquired and held by them, and make contracts about it, solely for the use and purpose of carrying out and promoting the religious interests of said church. 1865.

§ 2. In case there should be a vacancy in the board of trustees, the remaining members of the said board of trustees shall fill the same by election, unless they resign, or unless they move beyond the bounds of said church or dissolve their connection therewith, in either event their office shall be deemed vacant.

§ 3. The board of trustees of said church are hereby vested with authority, by and with the consent of a majority of the members of said church, present at a church meeting held for that purpose, to dispose of the property now held by said church on the west side of Twelfth street, between Jefferson and Market streets, in the aforesaid city of Louisville, and re-invest the proceeds of such sale in property, real or personal, for the purposes and uses in the first section hereof mentioned.

§ 4. This act to take effect from its passage.

Approved February 3, 1865.

CHAPTER 799.

AN ACT for the benefit of the town of Columbus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. M. Moton, a justice of the peace in the town of Columbus, be, and is hereby, authorized to appoint judges, clerks, and sheriffs of election, whose duty it shall be, when qualified, to hold on the second Saturday in March, 1865, an election for city officers, who shall, when qualified according to the provisions of the charter incorporating said town, exercise all the powers, rights, and duties conferred by said charter, and hold office until their successors are qualified, who may be elected at the next regular time of election, as provided for by the charter of said town.

§ 2. This act to take effect from its passage.

Approved February 3, 1865.

1865.

CHAPTER 800.

AN ACT for the benefit of Daniel Morton, of Logan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years from the first day of January, 1865, be allowed to Daniel Morton, late clerk of the Logan circuit and Logan equity and criminal courts, or his personal representative, to list and collect his fee bills.

§ 2. That nothing herein contained shall exempt said clerk from the penalties now fixed by law for issuing illegal fee bills; and provided also, that said clerk shall execute bond with good security, to be approved of by the clerk of the circuit or county court of his said county, conditioned to pay any fine or forfeiture under the fee bill law for issuing or collecting illegal fees.

§ 3. This act to be in force from and after its passage.

Approved February 3, 1865.

CHAPTER 802.

AN ACT to amend an act, entitled "An act to establish a Hotel Company in Versailles," approved March 10, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one be so amended that the stock of said company shall be divided into shares of one hundred dollars.

§ 2. That section two be amended as follows: "That Zeb. Ward, J. D. Helm, A. L. Thornton, R. D. Shipp, and Lewis Sublett, shall be the first directors of said corporation, in place of W. H. Terrell, George T. Cotton and others, named in said act."

§ 3. That section three be amended as follows: "Do you vote for a tax to be levied to an amount not exceeding ten thousand dollars, to construct a hotel in the town of Versailles? Said election shall be held on the second Monday in May, 1865."

Approved February 3, 1865.

CHAPTER 804.

AN ACT to amend the law in relation to the Town of Woodbury in Butler County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees elected, and corporate powers.

§ 1. That on the first day of April, 1865, five trustees shall be elected for said town, and every year thereafter,

who, with their successors in office, are hereby created a body corporate and politic, under the name and style of the trustees of the town of Woodbury; and under that name they may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth; may own, buy, sell, and convey real estate, both within and outside of the corporate limits of said town, for church, school, and cemetery purposes; the trustees so elected shall hold their offices for twelve months, and until their successors be elected according to law and duly qualified.

1865.

§ 2. All the qualified voters living inside the corporate limits, or any qualified voter owning real estate within the corporate limits of said town, shall be entitled to vote in the election of trustees and all other town officers.

Qualification of voters.

§ 3. That on the first Saturday in April, 1865, there shall be an election (ten days previous notice being given) for a police judge and town marshal, and thereafter the police judge shall be elected when the county judge is elected, and hold office for the same time; the town marshal shall be elected at the same time constables are elected, and hold his office for the same; to take oath and give the bond, and in all respects to be liable as constables are liable.

Police Judge and town Marshal.

§ 4. The trustees shall prescribe the number of taverns, eating and drinking saloons, and impose a suitable tax, not exceeding one hundred dollars, upon all such establishments, and upon all shows and exhibitions, the money to be applied to the improvement of the town.

Taverns, eating and drinking saloons.

§ 5. The poll-books of said election shall be returned by the clerk to the judge of the Butler county court, at the first term after said election, and the result shall be certified by the judge of said court to the Secretary of State; and the Governor shall issue a commission to that person who may be elected police judge, who shall take the same oath taken by the county judges; and in all civil cases shall have the same jurisdiction as a justice of the peace, be subject to the same rules and regulations, and be entitled to the same fees; and in all criminal cases arising in the town shall have the same jurisdiction as the county judge, and be entitled to the same fees; and in all violations of town regulations shall have the same jurisdiction, and be entitled to the same fees as a magistrate for similar services.

Police Judge to be commissioned.

Powers, jurisdiction, and fees.

§ 6. The town marshal shall execute all process issued by the police judge of said town, and be entitled to the same fees as constables for similar services; and may execute any process issued by a magistrate of the county, and have concurrent jurisdiction with the constables within and for said county.

Marshal's powers and fees.

1865.

Quorum; may
make by-laws.

Vacancies.

Jurisdiction of
town.

Repealing
clause.

§ 7. A majority of the trustees shall constitute a quorum to transact business; and they shall have power to make all by-laws for the government of the town, not inconsistent with the laws of this Commonwealth nor inconsistent with the laws or constitution of the United States; in case a vacancy occurs in the board by death or otherwise, an election (after ten days' notice by the chairman of the board) shall be held to fill said vacancy; and in case the police judge or town marshal's office should be vacated by death or otherwise, the trustees shall proceed to order an election for said officers (giving ten days previous notice of said election), appointing the necessary officers to conduct it, in all respects as hereinbefore provided; and the police judge or town marshal so elected shall serve until the next regular election.

§ 8. That the jurisdiction of the officers of said town is hereby extended one half mile each way from said town.

§ 9. The Legislature reserves the right to alter, amend, or repeal this act; and all acts or parts of acts coming within purview of this act be, and the same are hereby, repealed.

§ 10. This act to take effect from and after its passage.

Approved February 3, 1865.

CHAPTER 805.

AN ACT for the benefit Wm. Henry Holt, of Montgomery County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is directed to draw his warrant on the Treasurer for twenty dollars, in favor of Wm. Henry Holt, of Montgomery county, for service rendered by him to the committee of the House of Representatives in the case of C. M. Hanks.

§ 2. This act shall take effect from its passage.

Approved February 3, 1865.

CHAPTER 808.

AN ACT for the benefit of Districts Nos. 31 and 39, in Russell County.

WHEREAS, In consequence of a misunderstanding, a common school was taught in the school year ending December 31st, 1864, in each of the school districts 31 and 39, in Russell county, although said districts had, by the common

school commissioner of said county, been consolidated and numbered as district 31; therefore,

1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the common school commissioner of said county be, and he is hereby, authorized and directed to divide and pay out to the trustees of said districts 31 and 39, in proportion to the whole number of children reported from each of said districts, the money that shall be received by him for the said districts as consolidated and reported to the Superintendent of Public Instruction for the school year 1864.

Approved February 3, 1865.

CHAPTER 810.

AN ACT for the benefit of Jas. R. Garland and Deputies, of Lewis County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That James R. Garland, late sheriff, and his deputies, of Lewis county, be allowed the further time of two years, from and after the passage of this act, to collect all arrearages of taxes, fee bills, county levies, and other fees due them, as late sheriff and deputies in said county; and that said Garland and deputies be allowed to place the same in the hands of any sheriff, deputy sheriff, or constable of said county, for collection, and distrain for the same, subject to the same rules and regulations that now govern other officers in collecting fee bills and taxes.

Approved February 3, 1865.

CHAPTER 812.

AN ACT for the benefit of Fayette County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Fayette county court be, and are hereby, authorized to increase the county levy on tithes from one dollar and fifty cents to any sum not exceeding three dollars, per capita, which shall be collected in the same way and mode as the present levy is collected.

§ 2. This act to take effect from its passage.

Approved February 3, 1865.

1865.

CHAPTER 813.

AN ACT to incorporate the Newcastle Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the literary institution heretofore established in the town of Newcastle, Kentucky, shall hereafter be known as the Newcastle Seminary.

§ 2. Richard Valuntine, James Caplinger, Joseph Thomasson, Berry Ellis, John Watkins, and George T. Humston, as a board of trustees, and their successors, shall be a body-politic and corporate, by the name and style of the Board of Trustees of the Newcastle Seminary.

§ 3. That said board of trustees, with the consent of the principal of said seminary, shall have power to direct the course of study, to appoint such assistant teachers as may be necessary to complete the course prescribed by said board, and to make all by-laws and regulations necessary for the management and control of said seminary.

§ 4. That the board of trustees shall elect from their number a president, and such other officers as may be necessary for the transaction of business; shall fill vacancies in said board (four members constituting a quorum); shall, in case of the death or resignation of any principal they may employ or may discharge, appoint his or her successor; shall visit the seminary, attend the annual examination, and give such counsel to the principal as the interest of the seminary may require.

§ 5. That the principal and teachers, with the consent of the board of trustees, confer degrees and grant diplomas signed by the principal teachers and board of trustees, together with the seal of the seminary, which shall be as valid as those conferred by any other seminary or college in this State: *Provided*, That no degree be conferred upon any of the students but those who shall have completed the prescribed course of studies, passed a satisfactory examination, and who shall have maintained a good moral character.

§ 6. This act to take effect from its passage.

Approved February 3, 1865.

CHAPTER 814.

AN ACT to incorporate the German-English Academy of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. N. Hailman, G. T. Bergmann, Julius Winter, and Theo. Schwartz, their associates and successors, be incorporated by the name of "The German-English

Academy of Louisville;" and shall by that name have perpetual succession, use a common seal, contract and be contracted with; sue and be sued, and acquire, hold, and dispose of property, real and personal; but the property held at any one time shall not exceed fifty thousand dollars in value beyond the necessary school buildings and apparatus for teaching.

1865.

§ 2. The capital stock of the academy shall consist of no more than five hundred shares of not more than one hundred dollars each; and its affairs shall be managed by five trustees, elected annually on the first Monday in February; but the first election may be fixed by the above corporators at any time within thirty days from the passage of this act; each share shall entitle its holder to one vote, to be given in person or by proxy; and the same rule shall prevail at all meetings of the corporators, who shall also have the ordinary power of making by-laws not in conflict with the laws of the State or of the United States, and of determining the powers and duties of the trustees.

§ 3. This corporation is not to engage in any trade or business except the education of youth.

§ 4. This act to go into effect from its passage; and the Legislature reserves the right to change, alter, or repeal it.

Approved February 3, 1865.

CHAPTER 815.

AN ACT for the benefit of Woodford County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a majority of the county court of Woodford county, consisting of the county judge and justices of the peace of said county, be, and are hereby, authorized to increase the county levy of said county to two dollars and twenty-five cents (\$2 25), if in their judgment it be necessary to defray the expenses of the county.

§ 2. That any allowance heretofore made by said county court for the purpose of obtaining the proper credits upon the Federal draft, or any allowance that may hereafter be made for that purpose, is hereby made legitimate.

§ 3. That after the passage of this act all soldiers in the Federal army from said county, or who may hereafter join said army from said county, shall be exempt from payment of a county levy during the time of their service therein.

§ 4. This act to be in force from its passage.

Approved February 3, 1865.

1865.

CHAPTER 816.

AN ACT to amend the Charter of the New Orleans and Ohio Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the New Orleans and Ohio railroad company be so amended as to authorize the said railroad company to hold, use, and enjoy, by purchase, in the State of Tennessee, all real estate, franchises, and right of way necessary to the completion of their said road to Troy station, on the Mobile and Ohio railroad, in Tennessee, as fully and completely as a natural person; that the said company shall have power, by contract, to purchase any road, roads, or road-beds, and make joint contracts for operating and running the same, with the Mobile and Ohio and Nashville and Northwestern railroad companies, or any other railroad company, or party or parties, necessary for the full and complete use and enjoyment of said railroad and connecting lines; that all of section eleven in the original charter, following the word "*Provided*," be, and the same is hereby, repealed.

§ 2. That the General Assembly reserves the right to alter, change, or amend, or repeal this act at all times.

§ 3. This act to take effect from its passage.

Approved February 3, 1865.

CHAPTER 817.

AN ACT to incorporate the Daniel Boone Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas W. Gibson, Jesse Bayles, and Scott Newman, and their successors and associates, are hereby constituted a body corporate and politic, under the name and style of "The Daniel Boone Petroleum Company;" and under that name may sue and be sued, purchase and hold lands, by lease or in fee simple, and generally do and perform all acts as a corporation which an individual might lawfully do and perform.

§ 2. The corporators above named shall be and continue the directors of said corporation until their successors shall be elected and qualified; and they may elect one of their own number as president, and may elect a secretary and treasurer, who may be either of their own number or not, as they may determine.

§ 3. The capital stock of said company shall consist of three hundred thousand dollars, to be divided into shares of ten dollars each; but may be increased at any time, by

order of the directors, to any amount not exceeding one million of dollars.

1865.

§ 4. The manner and time of electing directors, the number of the same, the manner and time of electing secretary, treasurer, and other officers of the corporation, of receiving subscriptions of stock, or of selling stock in the market, and generally all matters pertaining to the business and conduct of said corporation, shall be controlled and regulated by the by-laws of said corporation, from time to time enacted by the directors thereof.

§ 5. This charter is limited to fifty years; but the Legislature reserves the right to alter, amend, or repeal the same at pleasure; and is declared to be in force from and after its passage.

Approved February 3, 1865.

CHAPTER 818.

AN ACT to amend chapter 84, Revised Statutes, entitled "Roads and Passways," said amendments to apply to the county of Gallatin only.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of chapter 84, section seventeen, of the Revised Statutes, entitled "Roads and Passways," as prohibit the county courts from establishing roads and passways through any orchard, be, and the same is hereby, repealed; and said court may establish roads and passways through orchards, in the same manner that they are now established by law over any other land belonging to the owner thereof.

Roads may be established through orchards.

§ 2. That section twenty-three of said chapter be so amended that every person assigned to work on a road, who shall fail to attend with proper tools without a reasonable excuse, when required by the surveyor of his precinct, or who shall fail to labor when in attendance, or to furnish a proper substitute, shall be fined not less than three dollars nor more than seven for each day he shall fail to attend or shall attend and refuse to labor; said surveyor shall report such delinquent person to the county judge, who shall issue summons in the name of the Commonwealth against such delinquent person, which shall be served upon him at least five days before court; summoning him to appear at any regular term of the county or quarterly court, and show cause why he has failed to attend and work on a road, as required by the surveyor of his precinct; the county judge shall hear and adjudicate upon all such cases; and if he is of opinion that the defendant had not sufficient cause for failing to attend, or failing to work when attending on said road, he shall render judgment against him for

Penalty for failing to work roads.

Surveyor to report delinquents, and proceedings to recover fines.

1865.

the amount of said fine and the cost of the proceedings; and for the collection of the same the county judge shall issue a *capias ad satisfaciendum*, at any time after the rendition of said judgment, within twenty days from the date of said judgment, and returnable upon a rule day, not less than thirty nor more than seventy days; all such fines may be replevied by the defendant as other execution or judgment debts are now replevied by law. The county court clerk may issue process, returnable to any of the courts aforesaid, in all prosecutions under this act, and may also issue the *capias* and take replevy bond, &c.; and for the issuing of said process they—that is, the judge or clerk—shall be allowed the same fees that is now allowed by law for similar services in civil and penal cases.

Penalty if surveyor fails to perform duty.

§ 3. That section thirty-nine be so amended that when the surveyor of a public road shall fail to perform his duty, he shall be fined not less than ten nor more than twenty-five dollars, and that the county judge shall have jurisdiction over all cases of surveyor of roads, and shall upon his own view, or from the information of others, issue a writ in the name of the Commonwealth against such delinquent surveyor of his county, returnable at any regular term of his county or quarterly court, summoning the defendant to show cause why he has not discharged his duty as surveyor; said notice must be served at least five days before court upon such defendant; the judge of said court shall sit and adjudicate upon such cases, and, at the request of his defendant, shall order a jury to be summoned to try such cases, under his supervision and direction; and unless the defendant demands a jury, he shall hear and determine the case; and in either case, if the defendant is found guilty, he or the county court clerk shall issue *capias*, returnable, &c., as provided in the second section of this act. All process under the provisions of this act shall be directed to the sheriff, or any constable of the county, except the writ of *capias ad satisfaciendum*, which shall be directed to the sheriff, who shall execute the same; and for all fines collected by him he shall account for in the settlement of his county levy, and in the same manner and under the same penalties as are now prescribed by law against sheriffs for failing to settle and pay over the county levy. And the county judge shall set apart all moneys arising from fines imposed under this act for the improvement of the road in the precinct where the same has been imposed and collected, and may, from time to time, appropriate said money for such purpose.

Who to serve process.

Duties of sheriff.

How fines to be used.

County judge may order out hands to open roads.

§ 4. The presiding judge of the county court shall have authority to order out as many companies of hands in his county to open and establish new roads, and to open and

repair old roads, as he may think proper in each particular case; and when more companies than one are ordered out for such purpose, he shall appoint a surveyor to take charge of the same, whose duty it will be to fully execute the order of the court; and in case he fails to do so, without a reasonable excuse, or in case the surveyors of the companies that are placed under his charge, or the hands belonging to said companies, fail to discharge their duties, without reasonable excuse therefor, they, either or all of them, shall be punished by fines, the surveyors not less than ten dollars and no more than twenty-five, and the hands not less than three nor more than seven dollars, as provided in this act.

1865.

Surveyors to be appointed.

§ 5. The sheriff and constable shall have the same fees for services rendered under the provisions of this act as they are now allowed by law for similar services in other cases.

Fees of sheriff and constable.

§ 6. This act shall apply to the county of Gallatin only, and take effect from and after its passage.

Approved February 3, 1865.

CHAPTER 820.

AN ACT to amend an act, entitled "An act to incorporate the Hustonville and Coffee's Mill Turnpike Road Company."

WHEREAS, It has been represented that a large part of the hauling done on the Hustonville and Coffee's Mill turnpike road is on that part of the road between the toll-gates, and for which no toll is or can be collected; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Hustonville and Coffee's Mill turnpike road company," approved February 13, 1858, be, and the same is hereby, so amended as to authorize the president and directors of said turnpike road company to collect toll from any person or persons who may use said road for the purpose of hauling, for each mile of the road used, at the same rate now charged by said company for the hauling which passes through the toll-gates on said road: *Provided*, That nothing in this act shall be so construed to allow toll to be charged any person who use said road in hauling from one part of his or her farm to another.

§ 2. This act shall take effect from its passage.

Approved February 3, 1865.

1865.

CHAPTER 821.

AN ACT to amend an act, entitled "An act to incorporate the Stamping Ground and Lecompt's Turnpike Road Company," approved February 16th, 1858.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for "The Stamping Ground and Lecompt's Run turnpike road company" to extend their present road from the foot of the ridge, on Lecompt's run, in Scott county, to the Owen county line, a majority of the stockholders in said company assenting to such extension.

§ 2. The said company shall in the construction, control, use, and enjoyment of the extension aforesaid, be governed by their present charter.

§ 3. The company aforesaid are authorized (a majority of the stockholders assenting thereto) to use and expend the proceeds of their present road in the construction of the addition hereby authorized; they are also authorized to increase the capital stock of the company under the 2d section of their charter.

§ 4. This act shall be in force from its passage.

Approved February 3, 1865.

CHAPTER 824.

AN ACT to incorporate the Licking Valley Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. F. Williams, John A. Prall, and John Stuart, and their successors, be, and they are hereby, created a body-politic and corporate, under the name and style of "The Licking Valley Oil and Mining Company;" and by that name shall have perpetual succession; may sue and be sued; may have a common seal, and alter the same at pleasure; may acquire and hold real estate, or any interest therein, in any portion of Kentucky, by purchase or lease, and sell and convey the same; may bore for oil, mine for coal or iron, or any other minerals or substances within the earth; may, by refining, smelting, or otherwise, prepare the same for market; may convert timber into lumber; may acquire and hold such machinery and other personal property as may be necessary and suitable in carrying on their business as aforesaid; and may sell the same, or any of the products of their said business, at pleasure, in any market to which they may ship them.

§ 2. The said company may adopt such by-laws for the government thereof, and management of its affairs, as it may from time to time deem proper: *Provided*, The same

shall not be in conflict with this act nor with the Constitution and laws of Kentucky or the United States.

1865.

§ 3. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into such shares, and to be paid for and transferred in such manner, as may be prescribed by its by-laws.

§ 4. The corporators above named shall constitute the board of directors of said company until their successors are chosen, and may appoint out of their own number, or otherwise, such officers, and create such agencies as they may deem necessary in the prosecution of their business, and prescribe the official designation, and the duties and authority of each, and may direct the time and place for the election of such officers as may be provided for in their by-laws, of which notice shall be given by publication in some newspaper published in Kentucky; and at which elections each stockholder shall be entitled to one vote for each share of stock he may hold, to be cast either in person or by written proxy.

§ 5. Said company shall have no banking privileges whatever; and the Legislature reserves the right to repeal or amend this charter at pleasure.

§ 6. This act shall take effect from and after its passage.

Approved February 4, 1865.

CHAPTER 828.

AN ACT to empower the Butler County Court to levy a tax to create a Bounty Fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of Butler county, in conjunction with a majority of the justices of the peace of said county, be authorized and empowered to levy and collect a poll tax, not exceeding a dollar, upon each person liable to pay poll tax; and also to levy and collect a tax, not exceeding fifteen cents on the hundred dollars' worth of property in said county.

§ 2. That the moneys so raised shall be applied to the payment of bounties to persons volunteering in the Federal army; that in making the levy and assessment aforesaid the court may take the assessor's tax book of 1864 as the basis of such assessment: *Provided, however,* That the county court may relieve any person who may have been erroneously assessed; and said court shall have all power necessary to carry this act into effect: *Provided, however,* That those who have served two years or more in the armies of the United States, since the present rebellion,

1865. shall be exempt from the taxes herein provided to be levied.

§ 3. This act to be in force from and after its passage.

Approved February 4, 1865.

CHAPTER 829.

AN ACT for the benefit of Sidney S. Hopson, Jailer of Trigg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer, in favor of Sidney S. Hopson, jailer of Trigg county, for the sum of thirty-eight dollars, to be paid out of any money in the Treasury not otherwise appropriated; the same being compensation in full to said Hopson for keeping a lunatic named C. W. Ingram in jail for seventy-six days.

§ 2. This act to take effect from its passage.

Approved February 4, 1865.

CHAPTER 830.

AN ACT for the benefit of Rockcastle County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for the county judge of Rockcastle county to convene the court of claims on the second Monday of February, 1865, or as soon thereafter as may be convenient; a majority of all the magistrates being present, may levy an additional tax on each tithe in said county, not to exceed two dollars and five cents on each hundred dollars' worth of property subject to State revenue.

§ 2. That the sheriff shall collect the additional tax so levied in the same manner, and at the same time he collects the county levy and State revenue; and he and his sureties shall be liable therefor in the same manner and way that they are liable for the county levy and State revenue; and for the recovery of which a motion may be made against them in the county court any time within two years.

§ 3. The county court shall apply this additional fund, so raised, to the repairing of the court-house and supplying the wants of the poor of said county.

§ 4. This act to be in force from its passage, and continue in force two years.

Approved February 4, 1865.

CHAPTER 831.

1865. .

AN ACT to incorporate the Bransford Female Institute, Owensboro, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Benjamin Bransford, Jesse Anderson, and Wm. Shelby, and their successors in office, shall be, and they are hereby, constituted a body-politic and corporate, to be known by the name of the "Trustees of the Bransford Female Institute, Owensboro, Kentucky;" and they shall have perpetual succession, and a common seal, which they may alter whenever they deem it best; and they may contract and be contracted with, and they may sue and be sued, in any of the courts of this Commonwealth; and they are authorized to purchase and hold to them and their successors, any lands, tenements, goods, chattels, and money that shall be purchased, given, granted, or devised for the use and benefit of said institute.

§ 2. Said trustees shall have power, whenever they so desire, to receive subscriptions and donations in said institute; and they shall have the power, at pleasure, to establish all necessary by-laws, rules, and regulations, not in contravention of the laws and constitution of this State and of the United States, for the government of said institute. The trustees shall have power to elect a president, treasurer, and secretary of their board, and the professors and tutors in said institute; and upon the death, resignation, or removal of any of said professors or tutors, the vacancy thereby produced shall be filled by the trustees, or a majority of them. And in like manner a vacancy in the trustees shall be filled. Said professors and trustees shall prescribe and regulate the course of studies to be pursued in said institute; and they shall have power to confer all the honors and degrees usually conferred by the best of colleges of the State.

Approved February 4, 1865.

CHAPTER 833.

AN ACT for the benefit of John A. Dickinson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for John A. Dickinson to file his petition in the Louisville chancery court against the city of Louisville, and the owners of property on both sides of the alley running from Eighteenth street, between Duncan and Portland or Bank street, to a point on the Louisville and Portland railroad, in said city, setting forth the conveniences which will result to him to have said alley closed; and upon the consent of the owners of prop-

1865.

erty building on said alley being filed in said court, it shall be lawful for the judge of said court, on the consent of the city of Louisville and said property holders, to make a decree authorizing the said Dickinson to close said alley, upon such terms as to the said court shall seem proper; and the said court shall have power to make all necessary orders in the premises that may be necessary in order to effect the closing of said alley as a public thoroughfare of said city.

§ 2. This act to take effect from its passage.

Approved February 4, 1865.

CHAPTER 834.

AN ACT for the benefit of the Executors of Ben. Gardner, deceased, late of Magoffin County.

WHEREAS, The executors of Benjamin Gardner, deceased, late of Magoffin county, have in their hands large sums of money, and desire a construction of his will and the advice of a court as to their powers and duties thereunder, and as to what kind of funds they are bound to collect in discharge of debts to said estate, and as to the investment of the same in real estate, and in all matters pertaining to said estate; and no courts can be held in Magoffin county, on account of political disturbance; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit court of Montgomery county is hereby vested with the same jurisdiction and authority to pass upon and determine all matters touching the estate of said Gardner that the Magoffin circuit court now has by law.

§ 2. This act shall take effect from its passage.

Approved February 3, 1865.

CHAPTER 835.

AN ACT for the benefit of Wm. H. Edwards, Administrator of Thomas C. Edwards, late Sheriff of Green County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act for the benefit of Wm. H. Edwards, administrator of Thomas C. Edwards, deceased, late sheriff of Green county," approved February 4, 1863, be, and the same, with all the rights therein

conferred, is hereby continued in full force for two years from and after the passage of this act.

1865.

§ 2. This act to take effect from its passage.

Approved February 9, 1865.

CHAPTER 836.

AN ACT to amend the law regulating the duties of the Board of Commissioners of the Sinking Fund of the Bardstown and Louisville Railroad Company.

WHEREAS, By an act incorporating the Bardstown and Louisville railroad company, and authorizing the subscription of one hundred thousand dollars to the capital stock of said company by districts numbers one, five, and nine, of said county, the judge of the Nelson county court, the clerk of said court, and the treasurer of the Bardstown and Louisville railroad company, were constituted a board of commissioners of the sinking fund, whose duty it was to superintend the collection and disbursement of the railroad tax imposed upon said districts; and whereas, E. B. Smith, treasurer of the Bardstown and Louisville railroad company, has heretofore faithfully performed the duties of receiver and disburser of the moneys collected under said act, and has received no compensation therefor; and whereas, the clerk of said county court has rendered the services required by the act, and has received no compensation; for the remedy thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Nelson county court shall fix and allow a reasonable compensation to the clerk of said court for all services rendered by him under the act aforesaid, and shall fix and allow to the treasurer of said board a reasonable compensation for the services rendered by him to said board, and that said allowance of compensation shall be for past services as well as for such as may be hereafter performed under the act to which this is an amendment; and the same shall be paid by the districts charged with the payment of the railroad taxes aforesaid, and out of the taxes collected from said districts by the collector: *Provided, however,* That the payment of said compensation is not to affect the liability of said districts for the payment of the hundred thousand dollars subscribed by the Nelson county court for and on their behalf to the capital stock of the Bardstown and Louisville railroad company.

§ 2. It is further provided, that the board of sinking fund commissioners aforesaid are hereby empowered, and it is made their duty, to require the sheriff to settle with them annually for the railroad taxes committed to him for collection, immediately after the same is due, and such settle-

1865.

ments may, from time to time, fix and determine the liability of the sheriff; and said settlements shall be made matter of record in the Nelson county court, where all the vouchers therewith connected shall be filed.

§ 3. This act to take effect from its passage.

Approved February 3, 1865.

CHAPTER 837.

AN ACT to incorporate the Ryder Cemetery Company.

WHEREAS, Augustus Ryder, deceased, late a citizen of Marion county, Kentucky, by his last will and testament, duly made and recorded, did devise the greater part of his estate "to be laid out in the purchase, improvement, and ornament of suitable cemetery grounds in the vicinity of Lebanon, for a burial place for all denominations, Catholic and Protestant," and appointed John Shuck and Thos. C. Woods his executors, who thereupon entered upon the discharge of their duties as such; and whereas, said executors have, in obedience to the provisions of said will, purchased a tract of land in the vicinity of Lebanon for a cemetery, as provided by said will, and have had the same surveyed and laid off into sections and lots; and whereas, it is desirable, in order to insure the most efficient management of the concerns of said cemetery, that there shall be a body corporate for that purpose; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That N. S. Ray, D. W. Phillips, and R. H. Rountree, or such of them as shall not refuse to act, together with any other persons that may be chosen by those above named, who may consent to act, not exceeding five persons in all, be, and they, with their successors in office, are hereby made a body-politic and corporate in law, under the name and style of the "Ryder Cemetery Company;" and by that name shall be and are capable in law to sue and be sued, to plead and be impleaded, and do all such other things as are incident to a corporation of similar character. It shall be lawful for the said John Shuck and Thos. C. Woods, as executors of said Augustus Ryder, deceased, to convey unto said corporation the real estate purchased by them as aforesaid for cemetery purposes, in conformity with said will. Their said conveyance shall be made to said corporation according to the terms and effect of said will, and the same, when conveyed, shall be held by said corporation to and for the uses and purposes of a cemetery ground, according to the terms, provisions, and intent of said will, and for no other uses or purposes whatsoever. The said corporation shall have power, and are hereby

1865.

authorized, to receive from said executors all the residue of said estate that may be in their hands appropriated by said will to said cemetery purposes; and to ascertain the said amount said executors shall make a settlement of their accounts as such with the presiding judge of Marion county; and the funds remaining in their hands dedicated by said will to the cemetery uses aforesaid, after deducting all expenses and outlays incurred in the management of the estate and trust, including reasonable compensation to said executors for their services theretofore rendered, shall, within a reasonable time after said settlement, be paid over to said corporation, or the person to be by them appointed for that purpose. The removal from Marion county, the resignation or the death of any one of the trustees aforesaid, shall cause a vacancy, which may be filled by the remaining trustees in any mode to be adopted by them. They may also, for any other cause, remove a trustee and fill the vacancy so caused at their discretion: *Provided*, No person shall be qualified to hold the office of trustee who is not at and during the time a resident citizen of Marion county. No road or passway shall be opened through said cemetery grounds without the consent of said company. The said company may take by devise, bequest, or otherwise, any legacies, money, or property, that may be devised, given, or conveyed to them; to be appropriated solely and exclusively to the ornament and other improvement of said cemetery and grounds. Said cemetery shall not be subject to State revenue or county taxes.

§ 2. A majority of the above named persons, or of those who may at any time constitute the board, shall elect one of their number as chairman. They may also, in like manner, elect a treasurer, and any other officers they may deem proper to aid in carrying out the object of this charter. A trustee shall hold his office until he removes from the county, dies, resigns, or is removed by the board as aforesaid.

§ 3. The trustees shall have power to lay out the cemetery grounds, or as much thereof at any time as they may deem proper, and to ornament the same, and, from time to time, build, repair, and add such buildings and fixtures, including a public vault or vaults, as they may deem necessary for the use or ornament of the cemetery grounds; and for these purposes, and for the purpose of defraying incidental expenses of the corporation, may apply the funds belonging to the same. They shall have power to lay off, sell, and convey burial lots, either at public or private sale, to classify the lots, and fix the price of the same at so much per square foot or otherwise, and to designate lots that are free; to make, from time to time, by-laws and

Officers to be elected.

Term of office.

Grounds to be ornamented & laid out.

May sell lots.

May make by-laws.

1865.

May remove ornaments.

May appoint superintendents, &c.

Proceeds of sale of lots to be applied in ornamenting the grounds.

Certificates to be given.

May be transferred.

Penalty for violating the graves, &c.

Record to be kept.

Trustees to take oath.

regulations for the management and control of the cemetery grounds and graves, and the mode of ornamenting the same; and to regulate the mode in which bodies shall be interred, and make such other by-laws and regulations as may be necessary for the purposes of the corporation, not inconsistent with the laws of this State or of the United States. They shall have full power to enter upon and remove any ornaments, fixtures, or shrubbery that may be placed on or around the graves against the by-laws and regulations of the company, and to make such changes as they may, from time to time, think proper concerning the same. They may, from time to time, appoint such superintendents and other officers as they may think necessary, for such compensation as may be agreed, and take from them such bond as may be required.

§ 4. The proceeds of the sales of lots, and all money that may come to the corporation from any other source, shall in all time to come be applied to the ornament and improvement of the grounds, and to defray incidental expenses. When a burial lot is purchased, and the amount therefor paid, the trustees shall give a certificate thereof to the purchaser, under the hand of the chairman, which shall vest the purchaser with title. The title to lots sold may be transferred according to such rules and regulations as may be prescribed by the by-laws of the corporation, but in no other manner. If not transferred by the grantee, it shall descend or pass by devise as other real estate, subject to the rights of this corporation.

§ 5. If any person shall forcibly and without lawful authority violate any of the graves, or deface any of the tombstones, monuments, ornaments, or inclosures, or injure any of the grounds, shrubbery, fixtures, or buildings, or in any manner damage any of the grounds of the corporation, such person or persons so offending shall be liable to an indictment for a misdemeanor, and shall be punished according to the discretion of a jury; and, in addition thereto, shall be liable to the corporation for double damage in an action at law.

§ 6. The trustees shall keep a regular record of their proceedings, and of all sales, transfers, and disbursements, and shall always preserve an accurate map and survey of the grounds and lots, and have the same, or a copy thereof, deposited in the clerk's office of the Marion county court. Each trustee, before he enters on the duties of his office, shall make oath before some officer competent to administer the same that he will faithfully discharge the duties of a trustee according to the best of his ability, and will not be influenced in his conduct as trustee by sectarian or political partialities.

§ 7. This act to take effect from its passage.

Approved February 3, 1865.

CHAPTER 839.

1865.

AN ACT for the benefit of the New Orleans and Ohio Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the New Orleans and Ohio railroad company be, and the same is hereby, released from the payment of all taxes for the year 1864 imposed by an act approved February 20, 1864.

§ 2. This act to take effect from its passage.

Approved February 6, 1865.

CHAPTER 840.

AN ACT to incorporate the World's Oil, Coal, Lumber, and Mineral and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. R. Haggard, James M. Boles, James Haggard, W. A. Owsley, and such other persons as may hereafter be associated with them, and their successors, are hereby created a body-politic and corporate, under the name and style of "The World's Oil, Coal, Lumber, and Mineral and Manufacturing Company;" and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter the same at pleasure; may make all necessary by-laws and regulations for the government of said company not inconsistent with the Constitution and laws of the State of Kentucky or of the United States.

Corporators
names, and corporate powers.

§ 2. That said company shall have power and authority to appoint one or more of its members, or other person or persons, to manage, control, and direct the business of said company, according to the by-laws, rules, and regulations which shall from time to time be adopted by said company for its government and the transaction of its business.

Who to manage affairs.

§ 3. The capital stock of said company shall be fifty thousand dollars, with power to increase to any sum not to exceed one million of dollars during the first five years after the organization of said company, but thereafter they shall be allowed to increase their capital stock to any sum they may choose, to be divided into shares of ten dollars each, which may be subscribed and paid for in such manner as may be prescribed by said company in their by-laws; and said shares may be transferred by said company in such manner as the by-laws may direct.

Capital stock.

§ 4. Said company shall have power to purchase and hold such real estate in the State of Kentucky, not exceed-

May hold real estate.

1865.

ing one hundred thousand acres in quantity, and such personal property as they may deem proper for carrying on the mining of coal, and transporting it to market, and for the manufacture of oil, iron, or other minerals found upon the real estate; said company shall have power to mine and transport such valuable products as may be discovered and developed upon the real estate so purchased; they shall have power to sell and convey their real estate at their pleasure. They shall have the power to purchase leases upon any territory in the State of Kentucky, the title of said land not being vested in said company; and shall have power to sell the same at the pleasure of the company, provided the owners of the real estate thus leased shall consent to the same.

May construct
railroads.

§ 5. Said company shall have the power to construct railroads from any point on their lands, not exceeding twenty-five miles in length, tapping any water-course or practicable thoroughfare over which they choose to transport their materials for manufactures of coal oil, or oil of any kind, mineral, lumber, or the productions of the country, embracing every article necessary to facilitate the development of the resources of the country; and to enable the company to carry out the provisions of this charter they shall be authorized to proceed as other corporate bodies are to obtain the right of way and the transit of the legitimate business of the road thus authorized to be constructed.

§ 6. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 7. This act shall be in force from its passage.

Approved February 6, 1865.

CHAPTER 841.

AN ACT to incorporate the Daviess County Petroleum, Coal, Mining, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That E. D. Hobbs, J. B. O'Bannon, George T. Gray, J. G. T. Galt, W. W. Galt, W. H. Walker, G. W. Wicks, E. D. Foree, W. C. Whitaker, Thos. Owings, and I. N. Webb, and their successors, be, and they are hereby, created a body corporate, by the name of the "Daviess County Petroleum, Coal, Mining, and Manufacturing Company," for the term of thirty years, with all the powers and authority incident to corporators, for the purpose hereinafter mentioned.

May hold real
estate.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by

lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

1865.

§ 3. The capital stock of the Daviess County Petroleum, Coal, Mining, and Manufacturing Company shall be five hundred thousand dollars, and shall be divided into shares of not less than ten nor more than one hundred dollars each, and may be issued and transferred in such manner, and upon such conditions, as the board of said corporation may direct.

Capital stock.

§ 4. The affairs of said corporation shall be managed by eleven directors, one of whom shall be president, all of whom shall be stockholders in said corporation; the first board of directors shall consist of E. D. Hobbs, J. B. O'Bannon, George T. Gray, John G. T. Galt, W. H. Galt, W. H. Walker, George W. Wicks, E. D. Foree, W. C. Whitaker, Thos. W. Owings, and I. N. Webb, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected; if any of the above named directors shall decline to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules for the government of the corporation and management of its affairs as they may deem best, not inconsistent with the constitution and laws of the United States and this State. The said incorporators, or any of them, may open books of subscription and receive subscriptions to the capital stock of said company; and books of subscription may be opened and subscriptions received at such times and places, and upon such notices, as any three of said incorporators may deem right and proper.

Who to manage affairs of corporation.

May make by-laws.

Books to be opened.

§ 5. Said company shall not own, in fee simple and by lease, lands exceeding in value five hundred thousand dollars. Whenever fifty thousand dollars of the capital stock is subscribed, and ten per cent. thereon is paid in, notice shall be given of the time and place of election of a new board, who shall hold office for one year, as herein provided; the board of directors of said corporation may fill all vacancies occasioned by death, resignation, or otherwise, and may make such call of payment of stock as they deem proper, not to exceed twenty per cent. for every thirty days; they may keep their office at such place or places as they may deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and such other officers as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as they may think best.

Not to own property exceeding capital stock.

Where office may be kept.

Officers to be appointed.

1865.

§ 6. Nothing contained in this act shall be construed as conferring banking privileges upon the corporation.

§ 7. The right to amend or repeal this charter is reserved to the General Assembly.

§ 8. This act to take effect from its passage.

Approved February 6, 1865.

CHAPTER 843.

AN ACT to enable the city of Louisville to issue bonds to provide a Bounty Fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to raise a fund for the payment of additional bounties, and thus, by encouraging enlistments in the military service of the United States, to avoid a draft in the city of Louisville, the general council of said city shall have power to issue and dispose of the bonds of said city to the amount, in the aggregate, of one hundred thousand dollars, with coupons for semi-annual interest; said bonds to be for \$1,000 each, and payable twenty years after date, at such times and places as may be expressed in said bonds; the principal and interest of said bonds to be a charge upon and paid out of the sinking fund of said city.

§ 2. This act shall take effect from its passage.

Approved February 7, 1865.

CHAPTER 844.

AN ACT to incorporate the Henderson Petroleum, Mining, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Richard Stites, Charles F. Hopkins, James B. Lyne, Wm. A. Hopkins, and James H. Holloway, and their associates, successors, and assigns, are hereby created a body-politic and corporate, with perpetual succession, under the name and style of the "Henderson Petroleum, Mining, and Manufacturing Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded; may have and use a common seal; may purchase and lease, hold and control, sell and convey, assign and transfer, any real estate or personal property necessary for the purpose of conducting and forwarding the business of said company; and may make such rules and regulations for the government and transaction of the business of said company as may be deemed

Corporators' names, and corporate powers.

right and proper, not inconsistent with the laws of this State and of the United States. 1865.

§ 2. Said company shall have power to open oil and salt wells, open mines for coal, iron, and all other minerals, in the counties of Henderson, Union, and Webster, and in such other parts of the State as the company may own or acquire lands or leases; shall have power to erect all manner of machinery, shops, refineries work-shops, and other establishments, and furnaces upon their lands and those under their control, which they may deem necessary for the prosecution of the business of said company; may make wharves and landings, have and own boats, floats, and other conveyances for their business; may make railroads and plank and dirt roads to any and all points from their places of business and depots to such places as they may deem necessary and proper for the removal and transportation to market of the raw materials and manufactured articles within the range of their business.

Objects of corporation.

§ 3. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of not less than ten nor more than one hundred dollars each, to be subscribed and paid for according to the terms fixed by the by-laws and regulations of said company, which may be adopted from time to time for its government. The shares may be transferred in such manner as the company may direct, and the same may be entered upon the books of the company, which books shall at all times be open to the inspection of any stockholder. The shares of said company shall be deemed and held as personal property.

Capital stock.

§ 4. The affairs of the said company shall be managed by five directors, one of whom shall be president, all of whom shall be stockholders in said corporation. The board of directors shall consist of Richard Stites, Charles F. Hopkins, James B. Lyne, William A. Hopkins, and James H. Holloway, who shall continue in office until their successors are elected by a majority of interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. The said incorporators, or any of them, may open books of subscription and receive subscriptions to the capital stock of said company, and books of subscription may be opened and subscriptions received at such times and places, and upon such notices thereof, as any three of said incorporators may deem right and proper.

Who manage affairs of corporation.

Books to be opened.

§ 5. Whenever fifty thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new

When board of directors to be elected.

- 1865.** board of directors, who shall hold their office for one year, and as provided herein; said notice shall be published in one of the newspapers in the city of Henderson for three weeks before said election. The board of directors of said corporation may fill vacancies occasioned by death, resignation, or otherwise, and may make such calls for payment of stock as they deem proper, not to exceed twenty per cent. for each thirty days. Each stockholder shall have a vote for each share of stock owned in said company, and may vote by proxy or otherwise. The chief office of said company shall be at the city of Henderson, Kentucky, and it may have branches at any other point fixed upon by the board of directors.
- Vacancies.**
- Stock, how voted.**
- Where office to be held.**
- Officers to be appointed.**
- § 6. The board of directors may appoint a secretary, treasurer, superintendent, and other officers as they may deem necessary, with such compensation for their services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary.
- § 7. No banking privileges are allowed by this charter.
- § 8. The right to amend, alter, or repeal this charter is reserved to the General Assembly.
- § 9. This act to take effect from its passage.

Approved February 7, 1865.

CHAPTER 849.

AN ACT to incorporate the Vanceburg and Kinnikinick Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William S. Rand, Seneca W. Ely, William Halbert, Jacob W. Rand, George Halbert, Thos. J. Davis, and their successors and associates, be, and they are hereby, created a body corporate, for the purpose of constructing and operating a railroad, by horse or steam power, from such point as they may select, within the incorporated town of Vanceburg, to such point or points as they may select on the main stream of waters of Kinnikinick creek, within the county of Lewis; and that said company shall be known and designated by the name and title of "The Vanceburg and Kinnikinick railway company:" *Provided*, That the consent of the owners of lots in Vanceburg, over which the road may pass, shall be first obtained to the location and construction of the road upon their lot or lots.

§ 2. That the capital stock of the company shall be one million of dollars (\$1,000,000), divided into shares of fifty dollars (\$50) each. At the time of subscribing, each subscriber shall pay into the hands of the treasurer ten dol-

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lars (\$10) per share, and the remaining stock may be called for and paid in such manner and at such times as the company by its by-laws may direct. They shall establish their principal office in the town of Vanceburg, Kentucky, with the privilege of creating transfer offices in Cincinnati, Ohio, and in the city of New York.

§ 3. The company may construct branch railroads from any point on the main line, as designated in section one (1), in a southwesterly direction, up Salt Lick creek, or wherever else within the county of Lewis their interests may dictate, and the right of way from private parties be obtained.

§ 4. The company created by this act shall exist and remain in perpetuity, except for non-use of its hereby granted privileges for the space of five years from the passage of this act, and shall have the privilege of adopting and using a corporate seal, of suing and being sued in its corporate capacity, of purchasing in fee or renting such real estate as may be necessary for its legitimate operations, and to perform and do all such other acts as a proper person might legally perform in carrying out the objects of the said company.

§ 5. The company shall fix its own tariffs for freight and passengers, subject to such general laws of this Commonwealth as now exist or may hereafter be enacted; and may obtain, by voluntary agreement with the owners, the right of way and the necessary land for stations, depots, and other purposes, which may be required for the proper construction and operation of said road; and also the necessary materials for the making and repairing the same. And if the right of way, lands, and materials cannot be so procured, the company may have the same condemned, and pay for the same in the manner required by chapter 103 of the Revised Statutes of Kentucky, title "Turnpike and Plank Roads."

§ 6. The Legislature reserves to itself the power to repeal, alter, or modify this charter at its pleasure.

§ 7. This act shall take effect from and after its passage.

Approved February 7, 1865.

CHAPTER 850.

AN ACT for the benefit of Louis L. Garrett, of Clarke County.

WHEREAS, It is represented to this General Assembly that Louis L. Garrett, of Clarke county, a discharged soldier, late of 8th Kentucky volunteer infantry, U. S. A., who lost his right arm in the battle of Stone River, thereby rendering him unable to obtain a support by hard labor; therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Louis L. Garrett, of Clarke county, be, and he is hereby, authorized to peddle in the counties of Clarke, Montgomery, and Powell, without first obtaining license therefor.

§ 2. This act to take effect from and after its passage, and remain in force two years and no longer.

Approved February 7, 1865.

CHAPTER 853.

AN ACT for the benefit of Wm. Corum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years is hereby given to William Corum, clerk of the Greenup circuit and county courts, within which to list and collect his fee bills.

§ 2. This act shall be in force from its passage.

Approved February 7, 1865.

CHAPTER 854.

AN ACT to incorporate the Franklin Oil and Mineral Mining Company, of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ossian T. Ward, Wm. H. Chelf, S. H. Woodring, and James J. Porter, with their associates, successors, and assigns, be, and are hereby, created a body-politic and corporate, by the name of the "Franklin Oil and Mining Company of Kentucky;" and by that name and style made as capable in law as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; to have the power to make such by-laws and regulations as shall be necessary for the well-being and prosecution of the business of said company, not contrary to the laws of this Commonwealth or of the United States.

§ 2. That the capital stock of said company shall be one hundred thousand dollars, with the power to increase the same to any sum not exceeding five hundred thousand dollars, to be divided into shares of twenty-five dollars each.

§ 3. That said company shall have the power to purchase, negotiate for, lease, and hold as much real estate as they may deem necessary for the successful prosecution

Corporators' names, and corporate powers.

Capital stock.

May hold real estate.

1865.

of their business; to engage in mining, boring, and excavating for oil, coal, iron, salt, and other mineral and volatile substances, and in the manufacture of iron, salt, and other products of lands now owned by or leased to them, or may hereafter be owned by or leased to them; to purchase, build, and own boats or other vehicles of conveyance, and other necessary implements, machinery, or stock for carrying on their business; to erect all necessary buildings for its transaction; to hold such mining and boring rights and rights of way, and such real estate and leases thereon, as they may deem necessary for the successful prosecution of their business; and the right to construct all roads, plank roads and railroads, and to build and manufacture engines, cars, and machinery, tools, lumber, &c.; also, to use, occupy, lease, let, sell, or dispose of any property owned by or leased to them, or that may hereafter be owned or purchased by or leased to them, or any portion of the same, as they may deem best or their interests may require.

§ 4. That the said Ossian T. Ward, W. H. Chelf, Samuel H. Woodring, J. J. Porter, with their associates, shall have power to organize said company by the appointment of a president, directors, and such other officers as they may deem necessary, at such time and place as they may designate by notice previously given; and when thus organized, they and their successors shall exercise the power herein granted said company for the control and management of its business.

Officers to be appointed.

§ 5. This act shall take effect from its passage; and as soon as an amount is subscribed and paid, in money or otherwise, as may in the judgment of the president and directors be sufficient, said company may proceed to do business, at any time thereafter, in such manner as the said company may provide by their by-laws, and dispose of the remaining stock; and in general this company shall have, possess, and enjoy all the powers, rights, privileges, and immunities heretofore granted, or may be conferred this session of the General Assembly by law in this State, upon any other company chartered for similar purposes; but this act shall not be construed to infringe on the rights and privileges of any other oil, coal, iron, or salt company, nor to confer banking privileges on this company: *And provided further*, The Legislature reserves the right to alter or repeal this charter at pleasure.

When to commence business

Approved February 7, 1865,

1865.

CHAPTER 855.

AN ACT to amend the charter of the Big South Fork Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, in addition to the names of the corporators provided for in the "Act incorporating the Big South Fork Petroleum Company," those of William T. Samuels and Thomas L. Crittenden shall be added as associate members of said company.

§ 2. That the chief office of said company shall be at Louisville, Kentucky, or such other point as said company may, from time to time, determine upon.

§ 3. That the capital stock of said company shall not exceed five millions of dollars.

§ 4. This act to take effect from its passage.

Approved February 9, 1865.

CHAPTER 856.

AN ACT for supplying the County Judge of Logan County with books.

WHEREAS, J. W. Malone, late judge of the county court of Logan county, has gone off into the rebellion, taking with him Monroe & Harlan's Digest and Stanton's Codes of Practice, the property of the county judge by virtue of his office; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Librarian be, and he is hereby, directed to furnish to the county judge of Logan county a copy of Monroe and Harlan's Digest, and also a copy of Stanton's Codes of Practice, if the same be in the library of the State.

§ 2. This act to be in force from and after its passage.

Approved February 9, 1865.

CHAPTER 857.

AN ACT to incorporate the Mississippi Valley Oil Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Corporators'
names.

§ 1. That Joseph K. Gant, J. S. Phelps, J. T. Edmunds, G. H. Barnes, Frank J. Ott, H. A. Phelps, W. A. Foulkes, Thomas Harrison, J. C. Durrett, George Henkles, J. B. Heron, and their successors, be, and are hereby, created a body corporate and politic, by the name of the Mississippi Valley Oil Company, for the term of thirty years, with all

the powers and authority incident to corporations, for the purposes hereinafter mentioned.

1865.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

May hold lands

§ 3. The capital stock of the Mississippi Valley Oil Company shall be five hundred thousand dollars, and shall be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock of said company may be increased by the board of directors if deemed necessary.

Capital stock.

§ 4. The affairs of said company shall be managed by eleven directors, one of whom shall be president, all of whom shall be stockholders in said corporation. The first board of directors shall consist of Joseph K. Gant, J. S. Phelps, J. T. Edmunds, G. H. Barnes, Frank J. Ott, H. A. Phelps, W. A. Foulkes, Thomas Harrison, J. C. Durrett, George Henkles, J. B. Heron, shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules for the government of the corporation and management of its affairs and business as they may deem proper, not inconsistent with the constitution and laws of the State or of the United States. The said corporators, or any of them, may open books of subscription and receive subscriptions to the capital stock of said company herein incorporated; and books of subscription may be opened and subscriptions received at such times and places and upon such notice thereof as any three of said incorporators may deem right and proper.

Who to manage affairs of corporation.

May make by-laws.

May open books

§ 5. The said Mississippi Valley Oil Company shall not own, in fee simple or by lease, lands exceeding in value five hundred thousand dollars, or the capital stock of the company. Whenever one hundred thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year, and as provided herein. The board of directors of said corporation may fill vacancies occasioned by death or resignation or otherwise, and may make such calls of payment of stock as they deem proper, not to exceed twenty per cent. for every thirty days. They may keep their office

Not to own property exceeding the capital stock.

Directors to be elected.

Vacancies.

Where office to be kept.

1865.

at such place or places as they deem to the interest of the corporation. They may appoint a secretary, treasurer, superintendent, and other officers, as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary.

§ 6. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 7. This act to take effect from its passage.

Approved February 9, 1865.

CHAPTER 858.

AN ACT to incorporate the Stafford Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

§ 1. That U. B. Evarts, R. Whitney, B. M. Anderson, J. T. Boyle, W. H. Redin, E. D. Tyler, and C. Ormsby, and their successors, be, and they are hereby, created a body corporate and politic, by the name of the "Stafford Oil and Mining Company," for the term of twenty-five years, with all the powers and authority incident to corporators, for the purpose hereinafter mentioned.

May hold lands.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oil and minerals, and to refine and vend the same.

Capital stock.

§ 3. The capital stock of the "Stafford Oil and Mining Company" shall be five hundred thousand dollars, and shall be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of said corporation may direct.

Who to manage
affairs of cor-
poration.

§ 4. The affairs of said corporation shall be managed by seven directors, one of whom shall be president, all of whom shall be stockholders in said corporation. The first board of directors shall consist of U. B. Evarts, R. Whitney, B. M. Anderson, J. T. Boyle, W. H. Redin, E. D. Tyler, and C. Ormsby, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules for the government of the corporation and management of its affairs and business as they deem proper, not inconsistent with the Constitution and laws of the State or of the

May make by-
laws.

United States. The said corporators or any of them may open books of subscription and receive subscriptions to the capital stock of said company herein incorporated, and books of subscription may be opened, and subscriptions received at such times and places, and upon such notices thereof, as any three of said incorporators may deem right and proper.

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Books may be opened.

§ 5. The said Stafford Oil and Mining Company shall not own, in fee simple and by lease, lands exceeding in value five hundred thousand dollars, the capital stock of the company. Whenever one hundred thousand dollars of capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year, and as provided herein. The board of directors of said corporation may fill all vacancies occasioned by death or resignation or otherwise, and may make such call of payment of stock as they deem proper, not to exceed twenty per cent. for every thirty days. They may keep their office at such place or places as they deem to the interest of the corporation. They may appoint a secretary, treasurer, superintendent, and other officers as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary.

Not to own property exceeding capital stock.

Directors to be elected.

Vacancies.

Where office may be kept.

§ 6. Nothing contained in this charter shall be construed as conferring banking powers upon the corporation.

§ 7. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 8. This act to take effect from its passage.

Approved February 9, 1865.

CHAPTER 850.

AN ACT to establish a Ferry at Proctor, Owsley County.

WHEREAS, It has been made known to this General Assembly that there is great need of a ferry being established and a ferry-boat kept at Proctor, Owsley county, Kentucky, on the Kentucky river, and that the present rates now allowed by law is not sufficient to justify any person to keep a boat under the present high price of labor and the unsettled condition of the county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Smallwood be, and he is hereby, allowed to prepare a good ferry-boat, and to charge twenty-five cents for man and horse, ten cents per head for footmen.

§ 2. This act to be in force from its passage.

Approved February 9, 1865.

1865.

CHAPTER 860.

AN ACT to incorporate the Union Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. M. Briggs, Charles B. Cotton, J. D. Osborne, and John G. Barret, their associates and successors, be, and they are hereby, constituted a body-politic and corporate, by the name and style of "The Union Manufacturing Company;" and by that name have perpetual succession, and in that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts of justice of this Commonwealth and elsewhere; and are hereby established for the purpose of manufacturing, exploring, transporting, boring, or other things, and have the rights of all corporate bodies created in this State; they may have a common seal. Its business shall be conducted by five directors, who shall be chosen from its stockholders, and who shall hold their office for one year from their election, and until their successors are qualified. The board of directors shall elect a president annually from one of their number; they shall also have power to make all laws necessary for carrying on the business of said corporation, and shall have power also to fill all vacancies in their board which may occur between their annual elections.

§ 2. The capital stock of said corporation shall be five hundred thousand dollars, and consist of \$25 per share; but the capital stock may be increased or diminished, by a vote of a majority of its directors. The board of directors shall have power to appoint any agents or officers necessary for carrying on the business of said corporation, and fix their compensation.

§ 3. Said corporation shall have the power to purchase and hold, in fee simple or by lease, any lands and other property that may be necessary or advantageous in carrying on their business, and may sell and convey the same; and its stock shall be regarded and held in law as personal property.

§ 4. The parties named in these articles of corporation, or any ten of them, may, at any time, open books and receive subscription to the stock; and when twenty-five thousand dollars of the stock shall be subscribed, and ten per cent. thereof paid up, said subscribers may proceed to elect a board of directors, who shall continue in office from their election until the second Monday in January thereafter, and until their successors are qualified. The stockholders in said corporation shall, on the second Monday in January in each year, or as soon thereafter as an election can be held, elect a board of directors.

§ 5. This act to take effect and be in force from its passage; and nothing in this act shall be construed as to confer banking privileges on this company.

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Approved February 9, 1865.

CHAPTER 861.

AN ACT providing for a Bounty Fund in Carroll County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Carroll county court is hereby given the power to increase the county levy for said county, for the year 1865, to a sum not exceeding five dollars on each tithe above the amount of the levy already laid by said court.

§ 2. That the sum of money that may be raised under the provisions of this act by said court shall be set apart as a bounty fund, and shall be appropriated in payment of bounties to those who volunteer in the service of the United States, under the call of the President of December, 1864, and who shall be credited upon the quota for said county under said call.

§ 3. That any sum or sums of money that have been contributed, or may hereafter be contributed, in aid of said fund, by the citizens of said county, who are not liable to draft under said call, shall be paid back to those who have made such contributions out of said fund; but if the amount that may be raised by said court under this act is insufficient to pay the amounts thus contributed, then said court shall cause a *pro rata* distribution among all of said contributors of the whole amount so raised.

§ 4. That the judge of said court shall, in the months of February or March, 1865, cause all the justices of the peace in commission in said county to be convened at the court-house in said county, and to set with him for the purpose of having action under the provisions of this act; and that said court thus convened and setting shall have power, a majority concurring, to increase said county levy according to the provisions and for the purposes enumerated in this act.

§ 5. That if said county levy should be increased as provided for in this act, said county court shall cause the sheriff of said county to collect and account for the same as he is now required by law to collect and account for the county levy, and shall be entitled to the same commission for collecting and accounting for the same that he is now entitled to by law for the collection of the county levy; and that said court shall require said sheriff to execute bond, with sufficient security, for the collection and pay-

1865. ing over of the amount of said increase of the county levy for said county.

§ 6. That this act shall take effect from its passage.

Approved February 9, 1865.

CHAPTER 862.

AN ACT to incorporate the Drennon's Lick Petroleum, Oil, and Lead Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That I. N. Webb, S. E. DeHaven, J. R. Thomas, R. B. Gray, Jos. Brinker, James Crutcher, Joel Clubb, and G. D. Dicken, and their successors, be, and they are hereby, created a body corporate and politic, by the name of the "Drennon's Lick Petroleum, Oil, and Lead Company," for an indefinite period, with all the power and authority incident to corporations for the purposes hereinafter mentioned.

May hold lands.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for the purpose of mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

Capital stock.

§ 3. The capital stock of the Drennon's Lick Petroleum, Oil, and Lead Company shall be five hundred thousand dollars, and shall be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner, and upon such conditions, as the board of directors of said corporation may direct.

Who to manage affairs of corporation. First board of directors, and their powers.

§ 4. The affairs of said company shall be managed by eight directors, one of whom shall be president, and all of whom shall be stockholders in said corporation. The first board of directors shall consist of I. N. Webb, S. E. DeHaven, J. R. Thomas, R. B. Gray, Jos. Brinker, J. Crutcher, J. Clubb, and G. D. Dicken, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and

May make by-laws.

Books may be opened.

rules for the government of the corporation and management of its affairs and business as they deem proper, not inconsistent with the constitution or laws of this State or the United States. The said corporation, or any of them, may open books of subscription and receive subscriptions to the capital stock of said company herein incorporated; and books of subscription may be opened and subscriptions

received, at such times and places, and upon such notices thereof, as any three incorporators may deem right and proper.

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§ 5. The said Drennon's Lick Petroleum, Oil, and Lead Company shall not own, in fee simple or by lease, lands exceeding in value five hundred thousand dollars, the capital stock of the said company. Whenever one hundred thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year, and as provided herein. The board of directors of said corporation may fill all vacancies occasioned by death or resignation or otherwise; and may make such calls of payment of stock as they deem proper, not to exceed twenty per cent. for every thirty days. They may keep their office at such place or places as they deem to be the interest of the corporation. They may appoint a secretary, treasurer, superintendent, and such other officers as they deem necessary, with such compensation for services as they may fix; and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary.

Not to own exceeding capital stock.

Vacancies.

Calls on stock.

Where office may be kept.

Officers to be appointed.

§ 6. Nothing contained in this charter shall confer banking powers on this corporation.

§ 7. The General Assembly reserves the right to alter, amend, or repeal this charter at pleasure.

§ 8. This act to take effect from its passage.

Approved February 9, 1865.

CHAPTER 863.

AN ACT to incorporate the Kentucky and Illinois Coal, Oil, and Mineral Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. S. Walker, H. H. Honon, J. B. Vaughn, John G. Rogers, W. Daugherty, and their successors, be, and they are hereby, created a body corporate and politic, by the name of the "Kentucky and Illinois Coal, Oil, and Mineral Company," for an indefinite period of time, with all the powers and authority incident to corporators and corporations, for the purposes hereinafter mentioned.

Corporators' names, and corporate powers.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

May hold real estate.

§ 3. The capital stock of the Kentucky and Illinois Coal, Oil, and Mineral Company shall be five hundred thousand dollars, to be increased or diminished at the option of the

Capital stock.

1865.

directors of said company, and shall be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of such corporation may direct.

Who to manage business.

§ 4. The affairs of said corporation shall be managed by seven directors, one of whom shall be president, and all of whom shall be stockholders in said corporation. The first board of directors shall consist of J. S. Walker, H. H. Honon, J. B. Vaughn, John G. Rogers, and W. Daugherty, who shall continue in office for one year or until their successors are elected by a majority in interest of the stockholders of said corporation; if any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules for the government of the corporation and the management of its affairs as they may deem proper, not inconsistent with the constitution or laws of this State or of the United States. The said corporation, or any one of them, may open books of subscription and receive subscriptions to the capital stock of said company hereby incorporated, at such times and places, and upon such notices thereof, as any three of said corporators may deem right and proper.

May make by-laws.

May open books.

Not to own property exceeding the capital stock.

§ 5. The said Kentucky and Illinois Coal, Oil, and Mineral Company shall not own, in fee simple or by lease, lands exceeding in value five hundred thousand dollars, the capital stock of said company; whenever fifty thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a board of directors, who shall hold office for one year thereafter, and as provided herein. The board of directors of said corporation may fill all vacancies occasioned by death or resignation or otherwise, and may make such calls for payment of stock as they may deem proper, not to exceed twenty per cent. for every thirty days. They may keep their office at such place or places as they may deem to the interest of the corporation. They may appoint a president, secretary, treasurer, superintendent, and such other officers as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of their records as may be deemed necessary.

Vacancies.

Where office may be kept.

§ 6. Nothing contained in this charter shall be construed as conferring banking powers upon this corporation.

§ 7. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 8. This act to take effect from its passage.

Approved February 9, 1865.

CHAPTER 864.

1865.

AN ACT for the benefit of John J. Miller, late Sheriff of Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John J. Miller, late sheriff of Boone county, shall have the further time of two years, from and after the passage of this act, to collect all taxes and fees to him delivered or due before the expiration of his term of office, subject to the same liabilities, restrictions, and responsibilities as are now imposed by law in such cases, and as though they were delivered or collected before the expiration of his term of office: *Provided*, The said John J. Miller shall, before exercising the power herein conferred, execute bond with surety in the county court of said county conditioned to pay all damages any person may sustain by an illegal execution of the power herein conferred.

Approved February 9, 1865.

CHAPTER 865.

AN ACT for the benefit of J. B. McWhorter, Sheriff of Taylor County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. B. McWhorter, sheriff of Taylor county, shall have until the first Monday in June, 1865, to collect and pay in the uncollected revenue and county levy for said county for the year 1864; and until the same time to return his delinquent list for the same year.

§ 2. This act shall take effect from its passage.

Approved February 9, 1865.

CHAPTER 867.

AN ACT to authorize the County Court of Logan County to increase the County Levy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Logan, a majority of the justices of the peace in commission being present and concurring, are hereby authorized and empowered to increase the county levy one dollar on each tithe in said county: *Provided*, That the fund raised by said increase of the levy shall be applied for the relief of the poor of the county; and provided further, that said increase of the levy shall only be made for the year 1865.

§ 2. This act to be in force from and after its passage.

Approved February 9, 1865.

1865.

CHAPTER 868.

AN ACT to amend sections 3d and 4th of an act, entitled "An act to amend the Road Law of Bracken County," approved 8th February, 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3d of an act, entitled "An act to amend the road law in Bracken county," approved February 8th, 1864, be so amended as to read "one day for every one dollar and fifty cents," instead of "one dollar."

§ 2. That section 4th be so amended as to direct the sheriff to add fifty instead of ten per cent. to the amount placed in his hands by the commissioner for collection, together with ten per cent. thereon as his fee for collecting the same.

§ 3. This act shall take effect from its passage.

Approved February 9, 1865.

CHAPTER 869.

AN ACT for the benefit of William H. Warnock, late assessor of Greenup County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Greenup county court, upon the affidavit of William H. Warnock, late assessor and commissioner of tax of Greenup county, and his deputy, Edward G. Warnock, filed at the November term, 1864, of the Greenup county court, to make an allowance and certify to the Auditor the claim of said Warnock for taking the list of taxable property of said county, the agricultural list and militia of said county, for the year 1864, as fully as if they had taken the oath in the form prescribed in the eighth article, section six, of chapter 83, of the Revised Statutes.

§ 2. This act shall be in force from its passage.

Approved February 9, 1865.

CHAPTER 871.

AN ACT to incorporate the Flowing Wells Mining, Manufacturing, and Coal Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Peter Beal, S. L. Massey, F. M. Webster, John P. Jackson, and C. F. Beyland, their associates, successors, and assigns, be, and are hereby, created a body corporate and politic, by the name of the "Flowing Wells Mining, Manufacturing, and Coal Oil Company," with perpet-

Corporators' names, and corporate powers.

1865.

ual succession, and full power to contract and be contracted with, sue and be sued, and to acquire by purchase deeds of conveyance, lease, or other lawful mode, any real or personal property which the board of directors may deem advisable in the course of the business of the company; and the same, or any part thereof, to sell, convey, lease, or otherwise dispose of; and with full power of mining, developing, and producing coal, iron, salt, petroleum, or coal oil, &c., and of manufacturing, marketing, and trading in the same, with all incidental powers pertaining to said business; and generally to do and perform for the well-being of said company whatsoever shall lawfully pertain to such corporate bodies; and may have and use a corporate seal.

§ 2. The capital stock of said company shall not exceed \$250,000 at the organization thereof, but may thereafter, by order of the board of directors, be increased to \$500,000; and the capital stock shall be divided into shares of \$25 each.

Capital stock

§ 3. That the above named corporators, or such of them as shall act, shall have power to organize said company, and for that purpose shall meet in the county of Campbell in this State, and form themselves into a board of directors for the first year and until their successors are elected and qualified, and may appoint a president of the board, and a secretary and treasurer. That after the organization of the company, as above provided, the board of directors shall have power to dispose of part or all of the capital stock of the company on such terms, in such manner, and under such rules and regulations as the board, from time to time, may adopt, not inconsistent with the constitution or laws of this State or of the United States.

Company organized, and how.

May dispose of capital stock.

§ 4. The shares of stock shall be transferable, and the board may make such rules and regulations in regard thereto as they may determine upon; and may, from time to time, make all such rules, regulations, and by-laws as they may deem necessary and proper for the good government of the company, its officers, agents, and affairs.

Stock transferable.

§ 5. Elections for directors shall be held at such time and place as the board shall appoint; the said directors shall hold their offices for one year, and until their successors are duly elected and qualified; each board shall appoint one of their number president, and in his absence the board may appoint a president *pro tem*. The first or any subsequent board of directors may, from time to time, borrow money for the use of the company, not exceeding the capital stock of the company, and at a rate of interest not exceeding ten per cent. per annum, and may issue the bonds or notes of the company therefor in sums not less than one hundred dollars, and may mortgage or pledge any of the

When election to be held.

May borrow money.

1865.

No banking
privileges.

Quorum.

Secretary and
treasurer.

property or assets of the company therefor; to issue bonds with or without coupons, and sell the same at any rate of discount that shall be found desirable, and which may be convertible, in whole or in part thereof, into stock of the company, and the capital stock shall be increased accordingly; but in no manner or respect shall said company engage in the business of banking; a majority of the board shall constitute a quorum to transact business; it shall be the duty of the board to appoint a secretary and treasurer, and require of them bonds with good security for the faithful discharge of their respective duties; and may also employ all such other agents and officers as they may deem necessary, and discharge them at pleasure, and may fill any vacancies occurring in the board.

§ 6. The General Assembly reserves the right to amend or repeal this act at pleasure.

§ 7. This act shall take effect upon its passage.

Approved February 9, 1865.

CHAPTER 872.

AN ACT to incorporate Ontario Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That M. W. Ferguson, W. G. Anderson, and E. S. Graham, their associates, successors, and assigns, be, and are hereby, constituted a body corporate and politic, by the name, style, and title of the Ontario Oil Company, and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain, establish, and put in execution all such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to law.

Capital stock.

§ 2. The capital stock of said company shall be three hundred thousand dollars, and may be increased or diminished fifty per cent. by a vote of the majority of the stockholders, at any time upon a notice of ten days, to be divided into shares of twenty dollars each; said company may, however, commence operations as soon as fifty thousand dollars of said capital stock shall be subscribed and twenty thousand dollars thereof paid in, and the remaining portion of said capital stock may be issued and sold by the board of directors of said company, at such times as may seem to them best.

May hold real
estate.

§ 3. The said company shall have the power to purchase, negotiate for, and hold as much real estate as they

may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, and other minerals, and in the manufacture of the same, and other products of lands now owned by them or which may hereafter be owned by them; to purchase, build, and own boats and other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transaction; to hold such mining rights, and rights of way and real estate, as they may deem necessary for the successful prosecution of their business; and the same, or any part thereof, to sell or otherwise to dispose of, as the interests of said company may require.

1865.

§ 4. For conducting the affairs of said company a board of five directors shall be chosen; said board shall choose one of its number who shall be president of said company; and said board shall serve for one year, or until their successors are elected and qualified; the president and directors shall have power to appoint all officers, agents, and servants under them, and to remove them at pleasure. In all elections, each share shall entitle the holder to one vote, and stockholders may vote by proxy.

Who to manage affairs of company.

§ 5. The stock of said company shall be deemed personal estate.

Stock personal estate.

§ 6. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure: *Provided, however,* That the stock at no time shall exceed the maximum amount herein named.

May open books.

§ 7. That it shall be lawful for the president and directors of said company, from time to time, and at all times, to borrow or obtain on loans such sums of money, and on such terms, as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estate, improvements, privileges, effects, and assets of said company for the repayment of said sums of money so borrowed, at such times as may be agreed upon.

May borrow money.

§ 8. In the event of a failure on the part of any stockholder to pay up his stock, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

Stock may be forfeited.

§ 9. Said company shall have, possess, and enjoy all rights, powers, privileges, and immunities conferred by law in this State upon any other company chartered for similar purposes.

§ 10. That nothing in this act shall be so construed as to confer any banking privileges.

§ 11. This act shall take effect from its passage.

Approved February 9, 1865.

1865.

CHAPTER 873.

AN ACT to incorporate the Breathitt Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That John W. Breathitt, Charles S. Green, John P. Campbell, jr., William T. Buckner, and James W. Campbell, are created a corporation or body-politic, able, by their common consent, to grant or receive, in law, anything within the compass of their chartered privileges, and to be denominated the "Breathitt Petroleum Company," for the purpose and with the privilege of boring petroleum wells, reducing the oil to its component elements, such as burning fluid, shipping it to foreign and domestic ports; mining coal, erecting furnaces for the manufacture of iron. They and their successors shall continue and have succession for an indefinite period, and by their name and style are hereby made as capable in law as individual citizens to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity. To make, have, and use a common seal. Also, the power to purchase or lease and own real estate suitable for mining coal, petroleum, iron. To borrow money for the benefit of the company, not to exceed one third of the value of the realty proposed to be hypothecated, but not to have the power or privilege to loan money as bankers; also, after the company is organized, to ordain and establish such by-laws as may be necessary for the government of the company, not contrary to the laws of the United States or of this State.

Capital stock.

§ 2. That the capital stock be one million dollars, divided into shares of one hundred dollars each.

§ 3. That the company shall, by the common consent of its president and directors, when organized, regulate the proportion of stock which may be issued to each member on application.

Company to be organized, and officers elected.

§ 4. That the corporation shall hold a meeting as soon after the passage of this act as convenient, for the purpose of organizing, by the election of a president, vice president, secretary, and treasurer, these officers to constitute a board of directors, and to hold their offices for one year, and at the expiration of each year an election for said officers be held, each and every stockholder to have timely notice of the place, and to be entitled to one vote for every share he may own. Any stockholder not present at any such meeting or election, may vote by proxy.

Secretary to report at annual meeting.

§ 5. That at every annual meeting it shall be the duty of the secretary to report in writing the financial condition of the corporation, its acts and doings, and, at all times to have his books ready for inspection by the board of directors; at said meetings to declare dividends and direct treas

urer to settle and pay the same in conformity with his report; and further, that dividends may be declared and paid to stockholders half yearly or quarterly, when meetings of the directors shall order.

1865.

§ 6. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 7. This act to take effect from the time of its passage.

Approved February 9, 1865.

CHAPTER 874.

AN ACT to incorporate the Cumberland River and Liverpool Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. D. Anderson, J. H. Thomas, E. S. Graham, and Pack Thomas, their associates, successors, and assigns, be, and they are hereby, constituted a body corporate and politic, by the name, style, and title of "The Cumberland River and Liverpool Oil Company," and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain, establish, and put in execution all such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to law.

Corporators' names, and corporate powers.

§ 2. The capital stock of said company shall be one million of dollars, and may be increased or diminished fifty per cent. by a vote of the majority of the stockholders, at any time upon a notice of ten days, to be divided into shares of twenty dollars each; said company may, however, commence operations as soon as fifty thousand dollars of said capital stock shall be subscribed and twenty thousand dollars thereof paid in; and the remaining portion of said capital stock may be issued and sold by the board of directors of said company at such times as may seem to them best.

Capital stock.

§ 3. The said company shall have the power to purchase, negotiate for, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, oil, salt water, coal, iron, lead, and other minerals, and in the manufacture of the same, and other products of lands now owned by them; to purchase, build, and own boats and other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transaction; to hold such mining rights and rights of way and real estate as they may deem

May hold real estate, &c.

1865.

Who to manage affairs of corporation.

necessary for the successful prosecution of their business, and the same, or any part thereof, to sell or otherwise to dispose of as the interests of said company may require.

§ 4. For conducting the affairs of said company, a board of five directors shall be chosen; said board shall choose one of its number who shall be the president of said company; and said board shall serve for one year or until their successors are elected and qualified. The president and directors shall have the power to appoint all officers, agents, and servants under them, and to remove them at pleasure. In all elections each share shall entitle the holder to one vote, and stockholders may vote by proxy.

Stock personal estate.

§ 5. The stock of said company shall be deemed personal estate.

May open books.

§ 6. Books for the subscription of stock may be opened at any time and place and closed again at pleasure: *Provided, however,* That the stock at no time shall exceed the maximum amount herein named.

May borrow money.

§ 7. That it shall be lawful for the president and directors of said company, from time to time, and at all times, to borrow or obtain on loans such sums of money, and on such terms as they may deem expedient, for the use of said company, and to pledge or mortgage all or any part of the estates, improvements, privileges, effects, and assets of said company for the repayment of said sums of money so borrowed, at such times as may be agreed upon.

Stock may be forfeited.

§ 8. In the event of a failure on the part of any stockholder to pay up his stock, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

§ 9. Said company shall have, possess, and enjoy all rights, powers, privileges, and immunities conferred by law in this State upon any other company chartered for similar purposes.

§ 10. The Legislature reserves the right to alter, amend, or repeal this charter at pleasure.

§ 11. This act shall take effect from its passage.

Approved February 9, 1865.

CHAPTER 875.

AN ACT for the benefit of Carroll County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Carroll county court, a majority of the justices being present and concurring therein, are hereby authorized and empowered to increase the rate of taxa-

tion for the county levy of said county to any amount not exceeding two dollars per tithe.

1865.

§ 2. That this act shall take effect from its passage.

Approved February 9, 1865.

CHAPTER 876.

AN ACT to amend an act, entitled "An act to create a Board of Commissioners of the Sinking Fund of Pendleton county," approved February 15th, 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That to enable the Pendleton county court, and the sheriff thereof, to determine what lands situated in said county are subject to the levy and assessment of said court to pay the principal and interest of the bonds of said county for \$50,000, issued under the act of the Legislature, entitled "An act to amend the charter of the Lexington and Covington railroad company," approved February 27th, 1849, and providing that the stock subscribed and loans obtained by said county shall be charges upon the real estate of said county, to be determined by assessment upon the realty within said county, made by the county court; it shall be the duty of the assessor of the general tax of said county to assess and list all the lands within said county in the name of the owners, no matter where resident, in the same manner as now required by law, and carry the separate value of each tract into a separate column, headed "Pendleton railroad tax," and at the foot of each column add up the aggregate value thereof; and which list and assessment the said assessor shall return to the office of the county court at the same time he returns his assessment of the taxable estates; and it shall be the duty of the clerk of said court to copy the same for the sheriff or collector of the county for collection under the assessment of the county court annually; and the said clerk shall deliver the copy in the same manner and at the same time, and under the same rules and regulations, as now required by the existing laws in reference to the public taxes.

§ 2. It shall be the duty of the sheriff or collector of the county levy, at the same term of the court, and in the same manner that he is required to do in relation to the return of the delinquent list of the public revenue, to return to the county court all delinquents in the payment of the county levy and assessment for paying the principal and interest on coupons of said county bonds, and said sheriff or collector shall, for such delinquents as are allowed by the county court, be credited in his settlement with said court, which settlement shall be made annually, at the

1865.

same time, under the same penalties and forfeitures, and in the same mode and manner, as required by the laws existing at the time in reference to the county levies, and be responsible in the same manner on his official bonds for the county levy, or by motion, as now provided by law and the act to which this is an amendment.

§ 3. This act to be in force from and after its passage.

Approved February 9, 1865.

CHAPTER 877.

AN ACT to incorporate the Fishing Creek Petroleum, Coal, and Salt Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That Arthur B. Barret, Aylett Buckner, and Richard A. Buckner, their associates, successors, and assigns, be, and they are hereby, constituted a body-politic, by the name, style, and title of "The Fishing Creek Oil Company;" and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, to sue and to be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain, establish, and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and proper for the conducting and government of said corporation, not inconsistent with the Constitution and laws of this State or the United States.

Capital stock.

§ 2. The capital stock of said company shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each; said company may, however, commence operations as soon as fifty thousand dollars of said capital stock is subscribed and twenty thousand thereof paid in; and the remaining portion of said stock may be issued and sold by the board of directors of said company at such times as to them may seem best.

May hold real
estate.

§ 3. The said company shall have the power to purchase, negotiate for, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, and other minerals, and in the manufacture of the same and other products of lands now owned by them or which may be hereafter owned or leased by them; to purchase, build, and own boats and other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transaction; to hold such mining rights and rights of way and real estate as they may deem necessary for the successful prosecution of their business, and the

same or any part thereof to sell or otherwise dispose of as the interest of said company may require.

1865.

§ 4. For conducting the affairs of said company a board of not less than three nor more than five directors of said company shall be chosen; said board shall choose one of its members, who shall be president of said company; and said board shall serve for one year or until their successors are elected and qualified. The president and directors shall have power to appoint all other officers and agents and servants, and to remove them at pleasure. In all elections, each share shall entitle the holder to one vote, and stockholders may vote by proxy.

Who to conduct affairs of corporation.

§ 5. The stock of said company shall be deemed personal estate.

Stock personal estate.

§ 6. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure: *Provided, however,* That the stock at no time shall exceed the maximum amount herein named.

May open books.

§ 7. That it shall be lawful for the president and directors of said company, from time to time, to borrow or obtain on loans such sums of money, and on such terms, as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estates, improvements, privileges, effects, and assets of said company, for the repayment of said sums of money so borrowed, at such times as may be agreed upon.

May borrow money.

§ 8. In the event of a failure on the part of any stockholder to pay up his stock as called for by the order of the company, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

Stock may be forfeited.

§ 9. Said company shall have, possess, and enjoy all the rights, powers, privileges, and immunities conferred by law in this State upon any other company chartered for similar purposes.

§ 10. Nothing herein shall be construed into conferring banking privileges upon this corporation.

§ 11. This act to take effect from its passage.

Approved February 9, 1865.

CHAPTER 878.

AN ACT to incorporate the Louisville and Memphis Packet Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body-politic and corporate, in the city of Louisville, is hereby created, to be styled the "Louisville and Memphis Packet Company;" with a capital of five hundred thousand dollars, divided into shares of one hun-

Name and style.

1865.

dred dollars each; with the power of contracting and being contracted with, suing and being sued, and all the usual powers incident to corporations for similar purposes.

May transport
passengers, &c.

§ 2. That said company shall be authorized to transport passengers, stock, produce, and freight of all kinds, from and to any point or points on the Ohio and Mississippi rivers, or their tributaries; to purchase and hold steamboats, barges, wharf-boats, and all other personal property; and also to purchase or lease such landings and wharves as may be necessary to carry on the business of said company.

Who to man-
age affairs of
corporation.

§ 3. That the fiscal and other prudential concerns of said company, and the management and control of its property and business, shall be vested in a board of not more than nine nor less than five directors, as the stockholders, by resolution, may determine; the directors to be elected by the stockholders on the first Monday in July of each year, after the first election, each share entitling the stockholder to one vote.

May increase
capital stock.

§ 4. The stockholders, at any annual or other meeting, may increase their capital stock as their business may require.

Com'rs to open
books.

When to com-
mence business

§ 5. That J. B. Archer, J. K. Bell, L. M. Flournoy, T. M. Erwin, and W. C. Hite, be, and are, appointed commissioners, and they, or any three of them, may open books for the subscription of stock in said company; and whenever the subscriptions amount to one hundred thousand dollars, such commissioners, or any three of them, may, by notice published for five days in any newspaper in the city of Louisville, call a meeting of the stockholders to elect a board of directors, and upon such election said company may commence their said business. The board of directors shall elect the president of the company and all other officers necessary to carry on the business of the company. They may cause the books of subscription to be continued open until the whole of the stock is subscribed, or may hold, sell, or dispose of the same as they may think best. They may prescribe how the stock shall be sold and transferred, and may do all things necessary to an efficient carrying on of their business; but no banking powers are hereby allowed.

President.

May keep books
open.

How stock may
be sold.

Not to engage
in other busi-
ness.

May borrow
money.

§ 6. This company shall engage in no other business than that for which it is incorporated. The company shall be authorized to borrow money, not exceeding one half its capital paid in, and may issue their bonds, secured by mortgage or deed of trust upon the property, rights, and privileges of the company, for its repayment, or sell bonds on such terms as a majority in interest of the stockholders may consent to.

May adopt
rules and regu-
lations.

§ 7. The president and board of directors may adopt such rules and regulations for the government and conducting

of the business of the company as they may think advisable, but shall not be permitted to limit by by-laws their liability as common carriers. 1865.

§ 8. This act to take effect from its passage.

Approved February 9, 1865.

CHAPTER 879.

AN ACT to incorporate the Richmond Petroleum and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. J. Walker, J. B. Francis, Coleman Covington, Green Clay, Curran Smith, Tho. S. Moberly, William West, J. B. Walker, and Richard Herndon, and their successors, be, and they are hereby, created a body-corporate and politic, by the name of "The Richmond Petroleum and Mining Company," for the term of twenty-five years, with all the powers and authority incident to corporators and corporations, for the purpose hereinafter mentioned. Corporators' names, and corporate powers.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same. May hold lands.

§ 3. The capital stock of the Richmond Petroleum and Mining Company shall be one hundred thousand dollars, and shall be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of such corporation may direct. Capital stock.

§ 4. The affairs of the said corporation shall be managed by seven directors, one of whom shall be president, and all of whom shall be stockholders in said corporation. The first board of directors shall consist of Chas. J. Walker, J. B. Francis, Coleman Covington, Curran Smith, T. S. Moberly, William West, and Richard Herndon; who shall continue in office for one year or until their successors are elected by a majority in interest of the stockholders of said corporation. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may Who to manage affairs of corporation.

adopt such by-laws and rules for the government of the corporation and management of its affairs as they may deem proper, not inconsistent with the constitution and laws of the State or of the United States. The said corporation, or any of them, may open books of subscription and receive subscriptions to the capital stock of said company, hereby incorporated, at such times and places and upon such notices thereof, as any three of said incorporators may deem right and proper. First board of directors.

May make by-laws.

Books may be opened.

1865.

Not to own
property ex-
ceeding capital
stock.

Directors to be
elected.

Vacancies.

Where office
may be kept.

Officers to be
appointed.

No banking
powers.

§ 5. The said Richmond Petroleum and Mining Company shall not own, in fee simple and by lease, lands exceeding in value one hundred thousand dollars, the capital stock of the company. Whenever fifty thousand dollars of the capital stock is subscribed and ten per cent. thereof paid in, notice shall be given of the time and place of election of a board of directors, who shall hold office for one year thereafter, and as provided herein. The board of directors of said corporation may fill all vacancies occasioned by death or resignation or otherwise; and may make such calls for payment of stock as they deem proper, not to exceed twenty per cent. for every thirty days; they may keep their office at such place or places as they deem to the interest of the corporation; they may appoint a president, secretary, treasurer, superintendent, and such other officers as they may deem necessary, with such compensation for services as they may fix; and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary.

§ 6. Nothing contained in this charter shall be construed as conferring banking privileges upon the corporation.

§ 7. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 8. This act to take effect from and after its passage.

Approved February 9, 1865.

CHAPTER 880.

AN ACT authorizing the County Court of Boone to establish a certain road in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the presiding judge of the county court of Boone county be, and is hereby, authorized to establish a public road from any point on the Louisville and Covington State road to a certain tract or parcel of land deeded to said county of Boone by Thomas D. Carneal. But in the establishing of said road the said judge will be governed by the laws now in force in this Commonwealth in chapter 84, Revised Statutes, entitled "Roads and Passways."

Approved February 9, 1865.

CHAPTER 881.

1865.

AN ACT to change the boundary of the Poplar Plains Election Precinct, in the County of Fleming.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the election precinct of Poplar Plains, in the county of Fleming, be enlarged by the following boundary, to-wit: Commencing at a point in the line dividing the Poplar Plains and Plummer's Mill precinct, opposite the dwelling-house of Hiram Plummer; thence running with the road, so as to include the dwelling of Hiram Plummer and Samuel Plummer, to the forks of the road; thence with the left hand fork to the dwelling of William B. Evans, including his residence; thence in a straight line to the nearest point in the line between Fleming and Rowan counties; thence with the county line to the line of the Hillsborough election precinct; thence with the line of said precinct to the beginning.

§ 2. That this act shall take effect from its passage.

Approved February 9, 1865.

CHAPTER 887.

AN ACT to incorporate the Western Financial Corporation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. D. Newcomb, James C. Ford, Z. M. Sherley, John B. Smith, W. B. Belknap, W. B. Hamilton, S. C. Weiziger, J. M. Duncan, and B. F. Guthrie, and those that they may associate with them, and their successors and assigns, shall be, and they are hereby, created a body-politic and corporate, by the name of the "Western Financial Corporation," with power in that name to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places whatever, as a natural person; and to have and use a common seal, and to change and renew the same at pleasure; also, to purchase and hold in fee or by lease a lot or lots of land in the city of Louisville, Kentucky, for a large and convenient hotel, and such other lots or parcels of land as they may require for their business, or may deem it expedient to acquire by purchase, or in the collection of debts, so that the real estate so held shall not exceed four millions of dollars (\$4,000,000) in value at any one time.

Corporators' names, and corporate powers.

§ 2. It shall be lawful for said corporation to build a hotel in said city, and to furnish the same, and to purchase and acquire all necessary goods and chattels for that purpose, and rent or lease the said hotel before or after the same is furnished, or to keep and carry on the hotel on

May build hotel.

1865.

account of the corporation, and to erect store-houses and other buildings as may be deemed expedient, not to exceed in the aggregate the limit fixed in the preceding section.

Powers of corporation.

§ 3. It shall be lawful for said corporation to transact financial business as a natural person, and promote industrial enterprise in Kentucky and elsewhere; to loan money, discount promissory notes, buy and sell exchange, stocks, and other mercantile securities; and the promissory notes made negotiable and payable at the office or principal place of business of said corporation, or of any of the incorporated banks or branches in this State, and inland bills, which may be discounted or purchased prior to maturity by said corporation, shall be and they are hereby put upon the footing of foreign bills of exchange, and like remedy may be had thereon jointly or severally against the makers, drawers, indorsers, or other parties thereto.

Further powers

§ 4. The said corporation shall have power to make advances on approved securities, and upon the agricultural and other products of the country. It may receive bonds, stock, produce, and merchandise in pledge for the security of money; it may also receive in pledge, or on security for money loaned or debts owing, United States vouchers, certificates, or bonds of indebtedness, or the bonds of the State of Kentucky, and sell the same on the non-payment of the debt or demand at the stipulated time of payment, according to any agreement made between the parties, and pass a good title to the purchaser; and any power given for that purpose shall be irrevocable until the debt or demand is paid or duly tendered. It may receive deposits of gold, silver, bank notes, United States Treasury notes, and other currency, and pay the same in kind or as may be agreed by general or special contract, and may allow interest on deposits, not to exceed six per cent. per annum, or at that rate, for a greater or less period. It may issue letters of credit, payable throughout the United States, Canada, Europe, and the West India Islands, for the convenience of merchants and travelers, but shall not issue promissory notes to circulate as money.

May borrow money.

§ 5. The said corporation may borrow money, but not in excess of its capital stock subscribed, and may secure the same by mortgage on its real or personal property, or the pledge of stocks or bonds, or otherwise, and on such time as the president and directors, or a quorum thereof, may deem expedient.

Capital stock.

§ 6. The capital stock of said corporation shall be one million of dollars, with the privilege to said corporation to increase the same to five millions of dollars, and shall be divided into shares of five hundred dollars (\$500) each; the shares shall be personal estate, and transferable on the books of the corporation according to its by-laws; but the

1865.

corporation shall hold a lien on the shares of any stockholder who may be indebted to it, and such shares shall not be transferred without the consent of the president and directors until such debt shall be paid or discharged. Each share of said capital stock shall entitle the holder to one vote at all elections of directors, and at all meetings of stockholders.

§ 7. The said persons named in the first section of this act shall act as commissioners to receive subscriptions of stock, and shall fix the time and manner of paying in the same, and prescribe in the subscriptions what failure shall authorize a forfeiture of the stock subscribed for; and when not less than two hundred and fifty thousand dollars (\$250,000) shall have been actually paid in or secured to be paid, on account of subscriptions to said capital stock, the said corporation may be organized and proceed to business.

Commissioners to open books.

When to organize.

§ 8. The said persons named in the first section of this act shall be the first board of directors of said corporation, and shall organize by choosing one of their number president; but if any of said persons shall fail to subscribe for as much as ten shares of said capital stock, or to pay in on account thereof as prescribed, his or their place or places as directors may be deemed and treated as vacant, and the vacancies or vacancy filled by the remaining directors; and at any time thereafter, when a vacancy in said board shall occur, the vacancy shall be filled by the remaining directors; and no person shall at any time be president or director in said corporation who does not own at least ten shares of said capital stock; and said president and directors shall provide by the by-laws for the annual election of president and directors after two years from the first organization of the corporation; and the president and directors shall always hold their office until their successors are duly qualified.

First board of directors.

Annual elections.

§ 9. The president and directors shall, from time to time, make all necessary by-laws, rules, and regulations, and alter and amend the same, not in contravention of the constitution and laws of this Commonwealth or the constitution and laws of the United States, for the government of the corporation and the conduct of its business, and prescribe the number of directors necessary to make a quorum for the transaction of business; and may provide for administering oaths and taking bonds from its officers and employes to secure the faithful discharge of their duties.

May make by-laws.

§ 10. Any county court or public or private corporation in this State may subscribe stock in the said corporation, a majority of all the justices of any such county court, or

Who may take stock.

1865.

a majority of the council or directors of any such corporation, agreeing thereto.

Rate of interest.

§ 11. The corporation hereby created is not empowered but prohibited from loaning money at a greater rate of interest than is or may be permitted by the laws of this Commonwealth.

Limitation.

§ 12. This corporation, so far as it is empowered to establish, furnish, and conduct the hotel herein named and provided for, is unlimited in the time of its continuance; but for all its other ends and purposes it, with the powers and privileges conferred therefor, shall end and cease at the end of twenty years from the passage of this act.

§ 13. This act shall take effect from its passage.

Approved February 10, 1865.

CHAPTER 890.

AN ACT for the benefit of George T. Wood, late Clerk of the Hart Circuit Court, and James A. Dawson, Clerk of the Hart County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time of two years, from and after the first of January next, is given to George T. Wood, late clerk of the Hart circuit court, and James A. Dawson, late clerk of the Hart county court, in which to collect any and all fee bills due to them or either of them, subject to all the penalties now imposed by law for issuing and collecting illegal fee bills.

§ 2. This act shall take effect from its passage.

Approved February 10, 1865.

CHAPTER 892.

AN ACT to incorporate the Eagle Petroleum and Mineral Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That W. H. Wilkerson, C. M. Mathews, W. A. Holland, James M. Trimble, and W. B. Oldham, and their associates, successors, and assigns, are hereby created a body-politic and corporate, with perpetual succession, under the name and style of the "Eagle Petroleum and Mineral Company," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded; may have and use a common seal; may purchase and lease, hold and control, sell and convey, assign and transfer, any real estate or personal property necessary for the purpose of conducting and forwarding the business of said company; and may make and enforce such rules and regulations for

the government and transaction of the business thereof as they may deem right and proper, and not inconsistent with the laws of this State or of the United States.

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§ 2. Said company shall have power to open wells or mines for petroleum, coal, rock, or carbon oil, or other valuable mineral or volatile substances, in any county in this Commonwealth where said company may own or purchase lands, or have or may acquire leases on lands; shall have power to erect all manner of machinery, shops, refineries, furnaces, and other establishments on their lands and lands under their control, which may by them be deemed necessary and proper for the successful prosecution of the business of said company; may make wharves and landings, have and own boats, floats, and other conveyances necessary in the conduct of their business; may construct roads of any kind from their places of business to such points and places as they may deem necessary for the removal and transportation to market of all the raw material and refined or manufactured articles owned or controlled by said company, within the range of their business.

Business of corporation.

§ 3. The stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of not less than ten nor more than one hundred dollars each, to be subscribed and paid for according to the terms fixed by the by-laws, rules, and regulations of said company, and which may be adopted from time to time by said company for its government. The shares in said stock may be transferred in such manner as the company may direct, and the same may be entered on their books, which books shall at all times be open to the inspection of any stockholder. The shares of said stock shall be deemed and held as personal property.

Capital stock.

§ 4. The business of said company shall be managed by five or more directors, one of whom shall be president, and all of whom shall be stockholders in said corporation. The board of directors shall consist of James M. Trimble, W. H. Wilkerson, C. M. Mathews, W. A. Holland, and W. B. Oldham, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation, and the board of directors so chosen by the stockholders shall continue in office one year or until their successors are duly elected. If any of the above directors shall decline or refuse to act, a majority of the others may fill the vacancy by the appointment of another person. Said corporators or any of them may open books of subscription and receive subscriptions to the capital stock of said company, at such times and places as any three of said corporators may deem best, after public notice of at least fifteen days shall have been given.

Who to manage affairs of corporation.

May open books

- 1865.** § 5. Whenever thirty thousand dollars of the capital stock is subscribed, and twenty per cent. thereof shall have been paid in, notice in some one or more newspapers of this State, of not less than fifteen days of the time and place for the election of a new board of directors, who shall hold their office for one year, provided herein, shall be given. The board of directors may fill vacancies occasioned by death, resignation, or otherwise, and may make such calls for the payment of stock, not to exceed twenty per cent. for each thirty days, as they may deem necessary. Every stockholder shall have one vote for each share of stock owned in said company, and may cast such vote or votes either in person or by proxy. The directors may establish an office, with branches at such places as they may deem proper, for the transaction of their business.
- When election to be held.**
- Vacancies.**
- § 6. The board of directors may appoint a treasurer, secretary, and superintendent, and such other officers as may be by them deemed necessary, with such compensation for their services as they may fix, and may regulate and determine the manner of keeping their books and records.
- Officers to be appointed.**
- No banking powers.** § 7. No banking privileges are allowed by this charter.
- § 8. This act shall take effect from and after its passage; and the right to amend, alter, or repeal this charter is reserved to the General Assembly.

Approved February 10, 1865.

CHAPTER 894.

AN ACT for the benefit of Crittenden County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Crittenden county is hereby authorized and directed to levy an additional poll tax of one dollar on each tithable, and a tax of ten cents on each one hundred dollars' worth of taxable property assessed for revenue purposes in said county.

§ 2. *Be it further enacted,* That said county court shall levy and collect a tax of seventy-five cents for each dog owned by any person or persons in said county, on the 1st day of January, 1865.

§ 3. *Be it further enacted,* That it shall be the duty of the assessor of said county to ascertain and report to the county court, on or before the first Monday in May, 1865, and on the same day in each year thereafter, the number of dogs in the county, and the names of their owners; and for his services herein he shall receive four cents for each list so made and returned to the court; and for a failure

1865.

to make and return such list he shall forfeit eight cents upon his compensation aforesaid; he shall be paid by the sheriff of the county, upon the order of the county court, out of the fund arising out of the tax on dogs.

§ 4. *Be it further enacted*, That the fund arising from the tax aforesaid shall be set apart and used by the county court for the purpose of rebuilding the court-house in the town of Marion, in said county, and for no other purpose whatever.

§ 5. *Be it further enacted*, That the sheriff of the county shall collect the said tax at the same time, and in the same manner, that he collects the county levy and State revenue; and shall be subject to the same liabilities, he and his sureties, that sheriffs are by law for other taxes and revenue; and he shall be allowed the same commission for collecting that by law is allowed to him for collecting the county levy and State revenue.

§ 6. *Be it further enacted*, That this act shall take effect from its passage, and shall continue in force for six years.

Approved February 10, 1865.

CHAPTER 895.

AN ACT to charter the *Ætna Petroleum Company*.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Abraham G. Munn, Theophilus Harris, Salem T. Lamb, James Bradley, William Hansbrough, John G. Barrett, William F. Barrett, and their successors in perpetuity, are hereby constituted a corporation, under the name and style of the "*Ætna Petroleum Company*," to be located in the city of Louisville, Kentucky; said corporation shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded; and shall have all the rights, immunities, and powers that may be necessary and proper for the management of its business, which shall be dealing in petroleum, coal, salt, and minerals of all or any kinds, boring, digging, and mining for the same, and refining and working in oils and metals; and to this end the corporation may purchase and sell, lease and release real estate, and may deal in any kind of merchandise connected with their mining operations.

Corporators' names, and corporate powers.

§ 2. The capital stock of the corporation shall not exceed five hundred thousand dollars, in shares of twenty dollars each.

Capital stock.

§ 3. The corporators may open a book for subscriptions to the capital stock, in the city of Louisville, and may authorize the terms of subscription thereto; and whenever

May open books.

1865.

Organization
and officers.

one thousand or more shares are taken, the stockholders may organize the company and elect their officers, who shall consist of a president, secretary, treasurer, superintendent of lands and works, and three directors, who shall hold their office until the first annual meeting of the stockholders.

Annual meet-
ings.

§ 4. There shall be annual meetings of the stockholders in the city of Louisville, on the first Mondays in March, for the election of officers and transaction of other business; there shall also be a semi-annual meeting of the stockholders in the city of Louisville, on the first Mondays in September. The majority of the officers may, at any time, call a meeting of the stockholders, to be held in the city of Louisville, by giving two weeks' notice, in a daily paper published in that city; and the stockholders at any semi-annual or called meeting, shall have power to remove any officers from office for cause, and elect others to fill their unexpired terms; should vacancies occur by death, absence, or resignation of any of the officers, such vacancy may be filled *pro tem.* by a majority of the remaining officers until the next regular or called meeting of the stockholders, who shall then have power to fill such vacancy by election for the unexpired term.

Vacancies.

Who to manage
affairs of cor-
poration.

§ 5. The officers of the corporation shall have the general management of the business, and shall be governed by the rules and by-laws of the corporation, as, from time to time, they may be adopted at meetings of the stockholders: *Provided*, Such rules and by-laws do not conflict with the laws of this State or of the United States.

Stock, how
voted.

§ 6. Each shareholder shall be entitled to a vote for every share of stock he may hold, and may vote in person or by proxy duly authorized in writing, at any regular or called meeting of the stockholders.

Corporate seal.

§ 7. The corporation may adopt and use a seal.

§ 8. This act shall be in force from the passage thereof, subject to amendment, alteration, or repeal by the General Assembly of the Commonwealth of Kentucky.

Approved February 14, 1865.

CHAPTER 898.

AN ACT to raise a bounty fund in Bracken, Livingston, Lyon, and Caldwell Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of raising a fund in Bracken county to pay a bounty for volunteers to fill the quotas of said county under the present call of the President for 300,000 men, made December 19, 1864, and under all fu-

1865.

ture calls, that the county court of Bracken county at any term of said court, a majority of all the justices being present and concurring therein, may lay a levy on each tithable in said county subject to military duty by the laws of the State, between the ages of twenty and forty-five years, not exceeding five dollars on each and on all the property (personal, real, and mixed) in said county subject to tax for revenue purposes, not exceeding fifty cents on each hundred dollars.

§ 2. That for the purpose of collecting said tax, the county court may appoint one collector in each election precinct, whose duty it shall be to collect said tax and pay it over to the county treasurer; and said collectors shall have power to distrain and sell so much of the property of each tax-payer, either personal, real, or mixed, as may be necessary to pay the amount of tax due, and ten per cent. damages: *Provided*, That the collector shall not sell unless he has made a written demand of the tax payable ten days before the day of advertising. If the tax-payer cannot be found, a written demand shall be stuck up at the court-house door for the same length of time. All sales made under this act shall be advertised at least five days at the court-house door and sold for cash in hand, the sales to be made on a county court day: *Provided*, That the owner may at any time redeem the property sold by paying to the purchaser the amount of the tax and ten per cent. thereon.

§ 3. That the county court shall appoint three persons, the county treasurer being one, who shall receive this fund when collected, and pay it out, under the direction of the county court, to volunteers, in payment of such bounties as they may offer.

§ 4. That the assessment of property for 1864 shall be taken as a basis for the levying of this tax until another assessment is made.

§ 5. That the county court may levy this tax, from time to time, as may be necessary to fill the quota of the county under the present call for 300,000 men, and under all future calls.

§ 6. The county court shall take from the collectors bond, with good security, for the faithful performance of their duties; and the collectors shall be allowed the same fees as now allowed sheriffs for collecting the county levy: *Provided*, That this act shall not apply to any person who is exempt from draft by rendering service in the Federal army: *Provided further*, That the provisions of this act shall apply to the counties of Livingston, Lyon, and Caldwell.

§ 7. This act to take effect from its passage.

Approved February 14, 1865.

1865.

CHAPTER 899.

AN ACT to amend the charter of the Barren River Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Barren River Petroleum Company, organized under the act of the General Assembly of this Commonwealth, entitled "An act to authorize the formation of corporations for manufacturing, mining, transporting, mechanical, or chemical purposes," approved on the 10th day of March, 1854, be, and the same is hereby, so amended, as to give to said company the same rights and privileges, and to hold the stockholders liable only on the same terms and as the stockholders are held under the charters granted to the petroleum and mining companies at the present session of this General Assembly.

§ 2. This act shall take effect and be in force from its passage.

Approved February 14, 1865.

CHAPTER 900.

AN ACT to incorporate the Commonwealth Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That R. A. Alexander, Henry H. Ferguson, Alfred G. Hurst, Prestly Grey, and H. Howard Gratz, and their successors, be, and are hereby, created a body corporate and politic, by the name of the "Commonwealth Petroleum Company," for the term of thirty years, with all the powers and authorities to corporations, for the purposes hereinafter mentioned.

Mayhold lands.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple or by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

Capital stock.

§ 3. The capital stock of this company shall be two millions of dollars, and be divided into shares of not less than two dollars each nor more than one hundred dollars, and shall be issued and transferred in such manner as the board of directors of said corporation shall direct.

Who to manage affairs of corporation.

First board of directors.

§ 4. The affairs of said company shall be managed by five directors, one of whom shall be a president, and all of whom shall be stockholders in said company. The first board of directors shall be composed of the corporators above named, who shall continue in office till their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors elected by the stockholders shall continue in office one year, or until their successors are elected. If any of the

above named corporators shall decline or refuse to act, a majority of the others shall fill the vacancy or vacancies by appointing others. They may adopt such by-laws and rules for the government of the corporation and management of its affairs and business as they may deem proper, not inconsistent with the Constitution and laws of this State. The said corporators or any of them may open books for subscription to the capital stock of said company, and books of subscription, and at such times and places as any three of said corporators may direct. The "Commonwealth Petroleum Company" may hold real estate in fee simple to the value of two millions of dollars. Whenever one hundred thousand shares of the stock of said company shall be subscribed, and ten per cent. thereof shall be paid up, notice shall be given of the time and place of holding an election of a new board of directors, who shall hold their office for one year from such election. The board of directors shall fill all vacancies in such board caused by resignation, death, or otherwise; they may keep their office in such place as they may deem proper; they may elect a secretary, treasurer, and other officers necessary to transact the business of this corporation, with such compensation as they may deem proper.

1865.

May make by-laws.

May open books.

May hold real estate.

Vacancies.

Where office to be kept.

§ 5. The Legislature reserves the right to alter, amend, or abolish this charter.

§ 6. This act to take effect from its passage.

Approved February 14, 1865.

CHAPTER 901.

AN ACT to incorporate the Paducah and Evansville Packet Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body-politic and corporate, in the city of Paducah, is hereby created, to be styled the "Paducah and Evansville Packet Company," with a capital of five hundred thousand dollars, divided into shares of one hundred dollars each, with the power of contracting and being contracted with, suing and being sued, and all the usual powers incident to corporations.

Corporation & capital stock.

§ 2. That said company shall be authorized to transport passengers, stock, produce, and freight of all kinds, from and to any point or points on the Ohio river or its tributaries; to purchase and hold steamboats, barges, wharf-boats, and all other personal property; and also to purchase or lease such landings and wharves as may be necessary to carry on the business of said company.

Business of corporation.

§ 3. That the fiscal affairs and other prudential concerns of said company, and the management and control of its

Who to manage affairs of corporation.

1865.

property and business, shall be vested in a board of not more than seven nor less than three, as the stockholders by resolution may determine. The directors to be elected by the stockholders on the first Monday in July each year, after the first election, each share entitling the stockholder to one vote.

Capital stock
may be in-
creased.

§ 4. That the stockholders, at any annual or other meeting, may increase their capital stock, as their business may require.

Com'rs to open
books.

When board of
directors to be
elected.

President to be
elected.

§ 5. That L. S. Trimble, L. M. Flourney, T. J. Birchett, Joseph Fouke, and A. A. Trimble, be, and they are hereby, appointed commissioners; and they, or any of them, may open books for the subscription of stock in said company; and whenever the subscription amounts to twenty-five thousand dollars, such commissioners, or any three of them, may, by notice published for five days in any newspaper published in the city of Paducah, call a meeting of the stockholders to elect a board of directors, and upon such election said company may commence their said business. The board of directors shall elect the president of the company, and all other officers necessary to carry on the business of the company; they may cause the books of subscription to be continued open until the whole of the stock is subscribed, or may hold, sell, or dispose of the same as they may think best. They may prescribe how the stock shall be sold and transferred, and may do all things necessary to an efficient carrying on of their business.

Not to engage
in other busi-
ness.

May borrow
money.

§ 6. This company shall engage in no other business than for which it is incorporated. They shall be authorized to borrow money, not exceeding one half its capital paid in, and may issue their bonds, secured by mortgage or deed of trust, upon the property, rights, and privileges of the company, for its repayment, or sell bonds, on such terms as a majority in interest of the stockholders may consent to.

May adopt
rules and regu-
lations.

§ 7. The president and board of directors may adopt such rules and regulations for the government and conducting of the business of the company as they may think advisable, but shall not be permitted to limit, by by-laws, their liability as common carriers.

Approved February 14, 1865.

CHAPTER 902.

1865.

AN ACT to incorporate the Covington Transfer Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. G. Rogers, P. P. McVeigh, E. Y. Chapin, Thos. Reed, Patrick McVeigh, and James T. Allen, and their associates and successors, be, and they hereby are, incorporated under the name of the Covington Transfer Company, and by that name they shall have perpetual succession; may contract and be contracted with, sue and be sued; have and use a common seal, and exercise such other powers as are essential to the privileges hereby granted.

Corporators' names.

Name & style, and corporate powers.

§ 2. That said transfer company may engage in the business of transporting passengers, freights, and commodities and articles of every description, to and from the depot of the Kentucky railroad company, in the city of Covington, and between it and the various railroad and other depots in the city of Cincinnati, Ohio, and to and from all hotels, dwellings, store-houses, warehouses, wharves, and other places of business in, and in the neighborhood of the cities of Covington, Cincinnati, and Newport; and to that end they may purchase, hold, and use all such vehicles and teams as are fit and essential to the proper conduct of said business; and they may lease, purchase, and own so much real estate, in or near the city of Covington, not exceeding \$20,000 in value, as shall be necessary for a proper depot for their teams and vehicles, all which property they may sell and dispose of at pleasure.

Business of company.

May hold real estate.

§ 3. That the real and personal estate to be held by said corporation shall not at any time exceed one hundred thousand dollars in value; and the said capital, or joint stock, may be divided into as many shares, to be of such amounts as the stockholders may, at their first or any lawful meeting, agree upon and decide; and they may, in like manner, agree upon and decide the method of transferring said stock.

Not to exceed \$100,000.

§ 4. That any two of the persons named in the first section of this act may call the first meeting of the persons hereby incorporated, by giving to each of them at least two days' notice of the time and place of holding said meeting in the city of Covington, at which meeting they shall elect such number of directors, and such other officers as they may deem essential to the management of their business, and shall fix the time when their successors shall be elected, and may prescribe the duties of such officers, and adopt such by-laws, not inconsistent with the purposes of this act, nor contrary to the constitution and laws of this State or of the United States, as they may deem advantageous. But before proceeding to elect officers

Who may call first meeting to elect directors.

1865.

To agree upon
capital stock
before election.

or adopt by-laws, the stockholders shall agree upon the amount of their capital stock, and the number of shares to which each stockholder is entitled; and at all elections and on all votes thereafter held or taken by said stockholders, all questions shall be determined by a majority of the vote present or represented, allowing one vote for each share of stock; but all proxies must be authorized by writing, signed and filed with the secretary of the company.

Assessment
and payment of
shares.

§ 5. The shares in said corporation shall be liable and holden for all assessments legally made thereon; and upon the non-payment of such assessments, or any part thereof, by the owner of such shares, within the time fixed therefor, the treasurer may proceed, in the manner fixed in the by-laws of the corporation, to advertise and sell such delinquent shares, or so much thereof as shall be necessary to pay the sum due thereon and incidental expenses.

No banking
privileges.

§ 6. That in no case shall said corporation exercise any banking or other privileges not plainly and fairly indicated by this act.

§ 7. This act to take effect from its passage.

Approved February 14, 1865.

CHAPTER 903.

AN ACT to incorporate the Louisville Rock Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That Robert Gibson, E. M. Kerr, E. D. Tyler, Robt. Atwood, and L. Leonard, of the city of Louisville, Kentucky, and their successors and assigns, are hereby created a body-politic and corporate, by the name of "The Louisville Rock Oil and Mining Company," and by that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, answer and defend, in all courts and places as a natural person; to have and use a common seal, and alter the same at pleasure, and to make all necessary by-laws and regulations for the government of the company and the conduct of its business, not inconsistent with the Constitution and laws of this Commonwealth.

May hold real
estate.

Business of
company.

§ 2. The said company shall have power to purchase and hold such estate in Kentucky and elsewhere, by lease, in fee or otherwise, and such mining privileges, rights of way, and other easements, as it may deem necessary or expedient for its business; and shall have power to dig, bore, mine, and search for oil, coal, iron, salt, and other minerals, products and deposits in the earth; to extract,

1865.

take out, develop, smelt, refine, reduce, manufacture, and prepare for market any or all of said minerals, products, or deposits, and to transport and sell the same in or out of this State; to buy, erect, or construct all machinery, tools, fixtures, and personal property deemed necessary or proper in the carrying on of said business or any part thereof; to sell, convey, transfer, or assign all or any part or interest in any of the said estates, real or personal, corporeal or incorporeal, and to exercise any necessary and proper powers to carry out the express powers herein granted; but nothing herein contained shall be construed as granting to the said company any banking powers.

§ 3. The capital stock of said company shall not exceed one million five hundred thousand dollars, to be divided into shares of one hundred dollars each, which shares shall be personal property and shall be evidenced and transferable as prescribed by the by-laws of the company; and the said persons named in the first section of this act shall constitute the board of directors for the said company for the first year after the passage of this act and until their successors are qualified; and they, or a majority of them, shall have power to open books for the subscription of stock, and prescribe in the terms of subscription the manner of payment and the grounds of forfeiture of stock subscribed for and not paid in as required; and when not less than one hundred thousand dollars are subscribed and such portion thereof paid in as the said board of directors shall require to be paid in cash, the company may proceed to business, and the board or a majority thereof shall organize by electing one of their number to be president of the company and to preside at meetings of the board.

Capital stock.

First board of directors.

May open books for subscription of stock.

When to commence business.
President.

§ 4. The said president and directors shall provide by the by-laws for the annual election, by the stockholders, of a board of not less than five directors, who, when elected, in each year shall choose one of their number as president as aforesaid; and the president and directors shall hold their offices until their successors are elected; and the board of directors, or so many thereof as may, by the provisions of the by-laws, constitute a quorum for business, may, from time to time, fill vacancies in the board occurring between annual elections, as shall be provided in the by-laws.

Annual elections.

Quorum.
Vacancies.

§ 5. Each share of said stock shall entitle the holder to one vote at the elections of directors or in stockholders' meeting, and must be voted by the holder in person, or by virtue of a written proxy, signed by the holder; and no person shall be voted for, or hold the office of director, who does not own at least five shares of the said capital stock.

How stock voted.

§ 6. The said by-laws may provide for the appointment, employment, and payment of all necessary secretaries, treasurers, cashiers, and other agents, employes, and

Officers to be appointed.

1865.

operatives, and for requiring bond and security of such of its officers, and in such amount and penalty, as it may deem proper, the better to secure the faithful discharge of their duties.

Dividends.

§ 7. And the said company may, from time to time, as it may see proper, make, declare, and pay dividends of profits, and distribute its net receipts and the proceeds of sales amongst the stockholders, pro rata, according to the amount of stock held by each.

§ 8. This act shall take effect from and after its passage; and the Legislature reserves the right to alter, amend, or repeal this act.

Approved February 14, 1865.

CHAPTER 904.

AN ACT to incorporate the Muldrough's Hill Coal, Oil, Iron, and Salt Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That Jesse H. Rodman, Joseph F. Cox, William B. Read, George W. Rodman, Robert D. Murray, David M. Rodman, William P. Turpin, and others, and their successors, be, and they are hereby, constituted a body-politic and corporate, by the name of the Muldrough's Hill Petroleum, Oil, Coal, and Salt Company, with all the powers and authority for the purposes hereinafter mentioned.

May hold lands.

§ 2. The corporation is hereby authorized and empowered to purchase and hold land, in fee simple or lease, for the purpose of mining and boring for petroleum, oil, iron, coal, and salt, and to refine and vend the same.

Capital stock.

§ 3. The capital stock of said company shall be two millions of dollars, and be divided into shares of not less than ten dollars each, nor more than one hundred dollars, and shall have the power to issue and transfer said stock in such manner as the board of directors of said corporation shall direct.

Who to manage affairs.
First board of directors.

§ 4. The affairs of said company shall be managed by five directors, one of whom shall be a president, all chosen by the stockholders in said company. The first board of directors shall be composed of the corporators above named, who shall continue in office until their successors are elected, by a majority in interest, of the stockholders of said corporation; and the board of directors elected by the stockholders shall continue in office one year, or until their successors are elected. In all elections each stockholder

Term of office.

When to commence business

shall have one vote for each share; and may commence business as soon as the sum of five thousand dollars is subscribed; and if any of the above named corporators shall

decline or refuse to act, a majority of the others shall fill the vacancies by appointment. They may adopt such by-laws, rules and regulations for the government of the corporation, and management of its affairs and business, as they deem proper, not inconsistent with the constitution and law of this State and the United States. The said corporators, or any of them, may open books for the subscription to the capital stock of said company, at such time and place or places as they may direct; said company may hold real estate in fee simple to the value of two millions of dollars; and shall have all corporate powers in and about the premises that similar corporations now have to regulate the business and affairs of the same; they shall have the right to make and use a common seal and alter the same at pleasure, and sue and be sued, plead and be impleaded, in all the courts of this Commonwealth; contract and be contracted with, and do all other things that may be necessary to perfect and carry on the business of said corporation.

1865.
May make by-laws.

May open books.

May hold real estate.

May make and use common seal.

§ 5. The Legislature reserves the right to alter, amend, or abolish this charter.

§ 6. This act to take effect from its passage.

Approved February 14, 1865.

CHAPTER 905.

AN ACT to charter the Mammoth Cave Petroleum and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles T. Rauchfus, William Springer, J. C. Raible, Charles Klein, and Christian Jenne, and their associates and successors, be, and they are hereby, incorporated and made a body-politic forever, by the name and style of "The Mammoth Cave Petroleum and Mining Company," and by that name the said company shall be competent to contract and be contracted with, sue and be sued, in all the courts of competent jurisdiction; and shall be, and they are hereby, invested with all the powers and privileges which are necessary to carry on said corporation; and may use and have a common seal, which they may break, alter, or change at pleasure.

Corporators' names, and corporate powers.

§ 2. That the said corporation be, and the same is hereby, authorized to explore, bore, mine, and dig for oil, salt water, coal, iron, or other minerals, and to manufacture oil, salt, and other minerals.

Business of corporation.

§ 3. That the said corporation be, and the same is hereby, authorized to acquire, by purchase or otherwise, and to

May hold real estate.

1865.

Stock may be
divided and
transferred.

Agents and off-
icers may be
elected.

May make by-
laws.

Payment of
shares.

Further pow-
ers.

hold and enjoy, such real and personal estate as may be necessary and useful in conducting the business of said corporation, and to sell, convey, and dispose of said property at pleasure; and the capital or joint stock may be divided into as many shares as the stockholders, at any legal meeting, shall agree and decide; and in like manner the stockholders may agree on the manner of transferring the same; and may elect an agent or agents, and such other officers and employes as may be deemed necessary, and prescribe their respective duties; may order assessments, and fix the time of their payment; may limit the amount which said payments may or shall not exceed, without the consent of all the stockholders; may pass by-laws for their regulation and government, and may do and transact any other business in relation to the concern and for the benefit of the corporation.

§ 4. That the shares in said corporation shall be liable and held for all assessments legally made thereon, and upon the non-payment of such assessments, or part thereof, within the time fixed for their payment, the treasurer may proceed, in the manner prescribed in the by-laws of said corporation, to advertise and sell such delinquent shares, or so many of them as shall be necessary to pay the sums due thereon, with incidental charges.

§ 5. That the said corporation be, and the same is hereby, invested with powers similar to those conferred on such corporations at the present session of the Legislature; and the General Assembly reserves the right to alter, amend, and repeal this act.

§ 6. This act to take effect from its passage.

Approved February 14, 1865.

CHAPTER 906.

AN ACT to amend the charter of the Rough Creek Navigation and Manufacturing Company.

WHEREAS, The Rough Creek Navigation and Manufacturing Company, by reason of the erection of a dam on Rough creek, has flooded the dam and machinery of a mill at Hartford, the property of William H. Miller; and whereas, said company have the right to erect other dams on said creek, but are not now ready to continue the improvements as to the navigation above Hartford, and by the provision of their charter are amenable to said Miller for the damages sustained by him; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of indemnifying said Miller for the damages aforesaid, the said company are hereby au-

thorized and empowered to contract for and cause the dam of said Miller at Hartford to be raised, or a new dam to be erected, to any height that may be agreed on by the directors of said company and the said Miller or his assigns, not to exceed twelve feet in height above slack water in the pool below the dam; and said company shall be responsible for damages caused thereby as provided in the original charter.

1865.

§ 2. This act shall take effect from its passage.

Approved February 14, 1865.

CHAPTER 907.

AN ACT to amend the charter of the Breckinridge Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Breckinridge Petroleum Company, organized under the act of the General Assembly of this Commonwealth, entitled "An act to authorize the formation of corporations for manufacturing, mining, transporting, mechanical, or chemical purposes," approved tenth day of March, 1854, be, and the same is hereby, so amended, as to give said company the same rights and privileges, and to hold the stockholders liable only on the same terms, and as the stockholders are held under the charters granted to the petroleum and mining companies at the present session of this General Assembly.

§ 2. This act shall take effect and be in force from its passage.

Approved February 14, 1865.

CHAPTER 908.

AN ACT to incorporate the Kentucky Land Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jonathan Watson, Hewlett Scudder, Sylvanus J. Macy, George W. Steele, James M. Hyde, Thomas E. Wilson, and Lyttleton Cooke, and their associates and successors, are hereby created a body-politic and corporate, under the name and style of the "Kentucky Land Mining Company," and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter and renew the same at pleasure; may make all necessary by-laws and regulations for the government of said company and the conduct of its business, not inconsistent with the constitution and laws of this State and of the United States.

Corporators' names, and corporate powers.

1865.

Contracts.

§ 2. All contracts and agreements, authenticated by the president of the board of directors, shall be binding on the company, without seal or such other mode of authentication may be used as the company by their by-laws may prescribe.

Capital stock.

§ 3. The capital stock of said company shall be not less than five hundred thousand dollars, and may be increased from time to time, as the board of directors may determine, to the sum of seven millions of dollars, divided into shares of twenty dollars each, which may be subscribed and paid for in such manner as may be prescribed by said company in their by-laws; and said stock may be transferred as the said company, by its by-laws, may direct.

Com'rs to open books.

§ 4. The corporators named in the first section of this act, or any three of them, are hereby appointed commissioners to receive subscriptions for stock in said company; and they may open books therefor in the city of Louisville, and at such other points in or out of the State, and keep the same open for such length of time as they may deem expedient, first giving ten days' notice thereof in some newspaper published in the city of Louisville.

May hold real estate.

§ 5. Said company is hereby authorized to lease, purchase, and hold all such real and personal estate as they may deem necessary and proper for the purposes of carrying on the business of the corporation, and the same to sell, lease, mortgage, or otherwise dispose of at pleasure; and the stock of said company shall be held to be personal estate, and pass as such.

Business of corporation.

§ 6. It shall be lawful for, and said corporation is hereby empowered and authorized, to mine, bore for, manufacture, and trade in iron, coal, lead, salt, zinc, petroleum, lumber, and other mineral and vegetable substances, the product of the real estate it is hereby authorized to lease, purchase, and hold; and for the purpose of enabling said corporation to transport the products of its business and operations to market, and for general uses, it may construct, lay down, build, and fully equip with all necessary machinery, engines, cars, wagons, and carriages, such railroads and branch railroads, and other roads, from its lands to such point or points in this State as the board of directors may, from time to time, deem necessary, and direct by by-law, order, or resolution; and for that purpose all the powers, exemptions, rights, privileges, duties, and restrictions of the 14th, 15th, 16th, 17th, and 18th sections of an act, entitled "An act to charter the Louisville and Nashville railroad company," approved March 5, 1850, are hereby extended to, conferred upon, and made a part of, the charter of this corporation: *Provided, however,* That nothing herein shall be so construed as to violate or interfere with any chartered rights now existing, nor to

prevent the Legislature from authorizing other railroads to be laid down parallel with the roads constructed by this corporation, should public necessity require the same: *And provided further*, That the State of Kentucky may, at any time after ten years from the completion of any railroad built by said corporation, become the purchaser thereof by paying the full cost thereof, and of the estimated value of its rolling stock, depots, warehouses, and other property used in the operation thereof, and ten per cent. thereon; and in case of the construction of turnpike or plank roads, said corporation shall be governed by the general laws of this State in reference thereto, and shall have all the rights and privileges therein conferred.

1865.

§ 7. The affairs and business of said corporation shall be managed by a board of seven directors, to be chosen by the stockholders, each one of whom shall own, in his own right, not less than one thousand dollars of the capital stock of said corporation. The said directors shall elect a president and vice president, secretary and assistant secretary, and treasurer from their own number or from the shareholders in said corporation. The said directors may hold their meetings and transact their business at such place in or out of this State as they may by by-law or resolution prescribe, and their meetings and business, so held and transacted, shall be valid and binding: *Provided, however*, That said company shall at all times keep an office in the city of Louisville, where some one or more of the officers shall reside; and the books or duplicates thereof may be open for inspection by the shareholders.

Who to manage affairs of corporation.

Officers to be elected.

Where meetings to be held.

Office.

§ 8. Said corporation is hereby authorized to issue their bonds, on the faith of the property owned by said company, and the subscriptions made to the stock thereof, to the extent of one half of the value of said property and subscriptions, and may sell and dispose of the same in such way and at such times and places, as said board of directors may order; and said corporation is hereby invested with all the rights, privileges, and powers incident to corporations. As soon as the sum of fifty thousand dollars of stock in said corporation is subscribed and paid in, said company may organize, first having given twenty days' notice of such organization, through some newspaper published in the city of Louisville; elect the first board of directors, who shall serve until their successors shall be regularly elected and installed; the time of the election of directors of said company, and the term of their office, may be fixed by said first board of directors, which may be altered or changed as the board of directors for the time being may direct.

May issue bonds.

When to organize.

§ 9. The board of directors of said company shall declare dividends, from time to time, as they may deem

Dividends.

1865.

advisable, and issue certificates of stock in such manner and form, and under such regulations and restrictions, as they may prescribe by their by-laws; but no stock shall be issued until the sum of fifty thousand dollars has been subscribed and paid in. The subscribers to the stock of said company shall pay in the same upon such calls as the board of directors may make; and all calls unpaid for thirty days after the order for the same has been made, and notice thereof given, shall bear interest until paid.

May borrow
money.

§ 10. That said corporation shall have power to borrow money at an interest not exceeding eight per cent. per annum, and to pledge and mortgage its roads, and any other property or part thereof belonging to the company, to secure the payment of the money so borrowed, and may issue bonds, payable in the city of New York, or other Eastern city, and certificates of stock therefor; but no bonds, certificates of stock, or notes shall be issued to circulate as bank notes.

§ 11. This act shall take effect from and after its passage.

Approved February 14, 1865.

CHAPTER 909.

AN ACT to incorporate the Taylor's Mill Turnpike Road Company in Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and
corporate pow-
ers.

§ 1. That James Taylor, John W. Tibbatts, C. F. Beyland, William W. Southgate, and R. T. Thornton, their associates and successors, be, and they are hereby, created a body-politic and corporate, by the name of "Taylor's Mill turnpike road company," for the purpose of constructing a turnpike road, either macadamized or gravelled, in Campbell county, from a point where Taylor lane intersects East Row street at the corporate limits of the city of Newport, the nearest and best route, and as near as practicable following the present county road to the intersection of the Newport and Jamestown roads, near the old homestead of Edward L. Southgate, deceased; and by that name may sue and be sued, plead and be impleaded, and answer and be answered, in all the courts of law and equity in this Commonwealth; and contract and be contracted with, and make and use a common seal, and alter or renew the same at pleasure, and adopt such by-laws and rules as they may see fit for the government of said corporation, not inconsistent with the Constitution and laws of this State or of the United States.

§ 2. The capital stock of said company shall be five thousand dollars, subject to be increased at any time to a sum not exceeding ten thousand dollars, divided into shares of twenty dollars each; and books for the subscription of stock in said corporation shall be opened by the persons above named, or a majority of them, at such times and places as they may deem fit, and may appoint commissioners to receive subscriptions; and when one thousand dollars of said stock shall be subscribed the company may be organized by the election of a president and four directors; and the rates of toll on said road shall be fixed per mile at an advance of twenty-five per centum on the rates now allowed to be charged by the Campbell County turnpike road company; and when one continuous mile or more miles of this road shall be completed, the company is empowered to erect gates and demand and receive tolls thereat: *Provided, however,* That no gate or gates shall be erected on any part of said road unless the same shall have been first graded and macadamized, or graded and gravelled.

1865.

Capital stock.

Books may be opened.

When to organize.
Rates of toll.

May erect gates

§ 3. That whereas, James Taylor is the proprietor of the land on the east side of East Row street, through which the proposed road is to run, it is herein provided by this act, that whenever he, or his heirs or assigns, shall lay out said land, or any part of it, as an addition to the city of Newport, that he or they shall have the right and power to change the location of said turnpike road so as the same shall conform to Jefferson street, when the same shall be extended into his, said Taylor's lands; said land over which the road passes reverting to said Taylor, his heirs or assigns.

Location of road may be changed.

§ 4. That the provisions of the charter of the Campbell County turnpike company, and all amendments thereto, prior to the passage of this act, and not conflicting herewith, are hereby adopted as part of this charter.

Approved February 14, 1865.

CHAPTER 910.

AN ACT for the benefit of the Richmond and Tate's Creek Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Richmond and Tate's Creek turnpike company be, and they are hereby, authorized to sell and convey the franchises conferred upon the said company by the act creating the same, together with all privileges, property, and appurtenances belonging thereto.

1865.

§ 2. That the president and directors aforesaid may file their petition, in equity, in the Madison circuit court, alleging that said company is in debt, and that it requires the sale of the franchises, stock, and appurtenances of the same for the payment of its debts; such petition, when made and filed properly, shall be referred by the said court to a commissioner to take an account of the indebtedness of said road company, and report the same to the court. The time and place of sitting of the said commissioner shall be advertised in such manner as the court may deem equitable; that upon the coming in of the report, if the court adjudge the sale necessary and proper, it shall so order; and that in case the proceeds of the sale, when made, do not pay full amount of indebtedness, the said proceeds shall be distributed, pro rata, amongst all the creditors, after paying off any lien now existing against the road.

§ 3. The court shall have full power to enforce the sale and the collection of its proceeds, and to give full effect thereto, according to the practice of courts of equity.

§ 4. That the filing of said petition, and the advertisement of the time and place of the sitting of the commissioner, shall have the effect of a formal service of notice upon the stockholders and creditors of the road company.

§ 5. This act shall take effect from its passage.

Approved February 14, 1865.

CHAPTER 911.

AN ACT in relation to the Revenue of Fulton County for the year 1864

It being shown that the assessor's list and tax book of Fulton county, for the year 1864, were destroyed by public enemies before they were made out and delivered to Wm. Herrin, late sheriff of said county, and his term of office having expired without his having received the same, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of said county cause to be made another assessment list and tax book for the year 1864, and placed in the hands of the sheriff or other person charged with the collection of the revenue for the year 1865, whose duty it shall be to collect the same in the same manner, and for the same compensation, as the revenue for 1865.

§ 2. Such sheriff shall execute bond as is now required by law for the collection of the revenue; and upon his failing to do so, a collector shall be appointed, as now provided by law.

§ 3. That said William Herrin be, and he is hereby, released from all liability for the collection of the revenue of 1864. 1865.

§ 4. The provisions of this act shall apply to the county levy for 1864.

§ 5. The person charged with the collection of the revenue and county levy of 1864, shall account therefor in the same manner and at the same times as in the case of the revenue and county levy of 1865.

§ 6. This act to take effect from its passage.

Approved February 14, 1865.

CHAPTER 912.

AN ACT for the benefit of J. W. Sallee, late Sheriff of Pulaski County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts, upon the payment into the Treasury of the principal and costs of a judgment of the Franklin circuit court against J. W. Sallee, late sheriff of Pulaski county, for the revenue of 1861, be, and he is hereby, authorized to release the damages and interest in said judgment, and allow him a credit for the Auditor's list, which was not received by said Sallee, amounting to ninety-seven dollars and forty-eight cents.

§ 2. This act to take effect from its passage.

Approved February 14, 1865.

CHAPTER 913.

AN ACT for the benefit of the Administrators or Executor of George B. Grundy, deceased, late Sheriff of McCracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the administrators or executor of George B. Grundy, deceased, late sheriff of McCracken county, be, and are hereby, authorized and empowered to collect the unpaid fee bills and the revenue due him from McCracken county, and to list the same with the present sheriff of said county, or his successor in office, and he is hereby empowered to distrain for and collect the same in as full a manner as said Grundy, deceased, could do if he was actual sheriff of said county, for the further time of two years from and after this act.

§ 2. This act to be in force from and after its passage.

Approved February 14, 1865.

1865.

CHAPTER 915.

AN ACT to amend the charter of the Bardstown and Louisville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May contract
for right of
way, establish
ferries, &c.

§ 1. That the Bardstown and Louisville turnpike company may contract for the right of way from and to their road at such points as may be necessary for the travel on said road, and to establish ferries; and if said right of way and ferry privileges cannot be obtained by contract, on such terms as the board may deem reasonable, it shall be the duty of the board to apply to the county court of the county in which the land lies that may be needed for the purposes aforesaid, for a writ of *ad quod damnum*, to condemn for the use of said road such lands as may be necessary for the purposes aforesaid, giving first to the party or owner of such lands ten days' notice of the time of making such application; and upon the return of the inquest, it shall be the duty of the court to set the same for trial at some time to be fixed by the court, within three days from the time of filing said inquest, and on the trial of such inquest shall confirm the same, or set it aside, as said court may deem proper; and if set aside, then award a new inquest, to be held on a day to be fixed by the court, to be returned and acted on as the first; and in all things said court shall have jurisdiction of the application till the right of way is obtained.

Com's of Sink-
ing Fund ap-
pointed.

Powers and
duty.

§ 2. That the Chairman of the Board of Internal Improvement, the president and treasurer of the Bardstown and Louisville turnpike company, be, and they are hereby, appointed commissioners to create a sinking fund, with a view to raise funds to rebuild said bridges; and it shall be the duty of said commissioners, after paying the necessary expenses of said road, on the first of January and July in each year, to invest the surplus funds of said company in good interest-bearing securities, to be from time to time approved by the Governor, and which fund so created shall be set apart especially for rebuilding said bridges, or such of them as said company and the Board of Internal Improvement may from time to time designate.

Tolls, &c.

§ 3. That so soon as said company shall open a convenient way from their turnpike to and from the different streams crossing said turnpike, the said company shall collect at the Floyd's Fork and Salt river gates one half the tolls collectable at said gates when the bridges over said streams were up; and at the other gates the same toll as now authorized by their present rates.

May change lo-
cation of gates.

§ 4. That said company may change the location of any of their gates to such points on their road as may be most convenient for collecting their tolls.

§ 5. That it shall be the duty of the president and treasurer of said company to report to the Board of Internal Improvement as now required by law.

1865.

To make report

§ 6. This act shall take effect from its passage, and remain in force for three years.

Approved February 14, 1865.

CHAPTER 916.

AN ACT to raise a Bounty Fund in Fleming County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of raising a fund in Fleming county, to pay a bounty for volunteers to fill the quota of said county, under the present call of the President for 300,000 men, made November the 19th, 1864, and under all future calls, the county court of Fleming county, at any term of said court, a majority of all the justices being present and concurring therein, shall have power and authority to levy an ad valorem tax, of not exceeding twenty-five cents on each one hundred dollars' worth of property, for the year 1865, and so long thereafter as necessary, on the property of the county assessed for the purposes of State revenue; and said levy shall be upon said property as of the said assessment and none other.

§ 2. The sheriff of the county shall collect the tax levied, as herein provided, and shall account for the same in the same manner under like penalties and for the same remuneration as he collects and accounts for the State revenue: *Provided*, That he shall be bound upon his bond for the collection of the county levy for the collection of said tax, and not upon his bond for the collection of the revenue of the State; and for a default concerning the same he and his sureties may be motioned upon said bond in the county court as sheriffs are motioned in like cases concerning the revenue of the State.

§ 3. It shall be the duty of the county court to appoint, annually, a commissioner with whom the sheriff shall settle for said tax as he settles for the State revenue with the Auditor; and it shall be the duty of the court to appoint a treasurer, who may be the same person appointed commissioner, to receive and receipt to the sheriff for the money collected by him of said tax; and the person so appointed treasurer, before he enters upon his duties, shall enter into bond, payable to the Commonwealth with good security, conditioned that he shall safely keep and hold and pay over the money which may come to his hands from the sheriff; and for any default or breach of the bond the court shall have the rights and remedies, by motion in

1865.

the county court of said county, against him and his sureties, that the State now has against a sheriff and his sureties upon his bond for the collection of the revenue.

§ 4. The county court, at the time of the appointment of the commissioner and treasurer, shall fix and regulate their compensation per month, which shall be paid by the treasurer upon order.

§ 5. This act shall not be so construed as to embrace the property of soldiers who have served three years in the United States service, or who have been discharged on account of disability, or the widows of deceased soldiers, whose property is hereby declared to be exempt from tax under this act.

§ 6. This act to take effect from its passage.

Approved February 15, 1865.

CHAPTER 917.

AN ACT to authorize the Harrison County Court to levy a tax to pay for County Buildings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Harrison county court be, and is hereby, authorized to levy a capitation and *ad valorem* tax on all tithables and property in said county subject to taxation for State and county purposes under existing laws, not to exceed in any one year more than two cents on the one hundred dollars' worth of property, nor more than one dollar on the head, in addition to what said court is now by law authorized to levy. The power to levy the *ad valorem* tax is hereby given for the purpose of raising a fund to rebuild the county jail; and the power, so far as the levy and collection of said *ad valorem* tax is concerned, shall continue in force two years only, and to be exercised annually; and if the tax collected in one year under this act is sufficient to pay the expenses of the building of the jail, then the power shall cease. The power to increase the county levy is for the purpose of building a poor-house, and shall continue in force five years, unless a fund sufficient to erect said house is raised in a less time; in that case the power shall cease as soon as said fund is raised.

§ 2. The sheriff of said county is hereby empowered to collect said tax, under the rules, regulations, and penalties as now prescribed by law, and pay it over as the county levy is now paid; and he shall be entitled for his services under this act to the same compensation now allowed by law for collecting the State revenue and county levy.

§ 3. This act shall be in force from its passage.

Approved February 15, 1865.

CHAPTER 918.

1865.

AN ACT for the benefit of the New Orleans and Ohio Railroad.

WHEREAS, Doubts may arise as to the true intent and meaning of an act of the Legislature for the benefit of the New Orleans and Ohio railroad company, approved February 16, 1858; and whereas, the New Orleans and Ohio railroad company have, under said act, executed a second mortgage upon their said road, franchises, and property, and issued their bonds to the amount of two hundred thousand dollars, making in the aggregate of first and second mortgage bonds four hundred thousand dollars; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the aforesaid second mortgage for two hundred thousand dollars, executed by the president and directors of the New Orleans and Ohio railroad company, on the road-bed, franchises, right of way, and property of said corporation, and the issue and sale of said bonds under said mortgage, be, and the same is hereby, legalized, and made valid from date of said mortgage.

§ 2. This act shall take effect from its passage.

Approved February 15, 1865.

CHAPTER 919.

AN ACT for the benefit of School District No. 3, in Franklin County.

WHEREAS, At the last annual election of the trustees in school district No. 3, in Franklin county, the polls were not kept open the whole time, as prescribed by law, but an election was held; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the acts of the trustees who were elected at said election shall be as valid as if the polls had been kept open the time prescribed by law.

§ 2. This act to take effect from its passage.

Approved February 15, 1865.

CHAPTER 920.

AN ACT in relation to the Tolls on the Turnpike Roads in Bourbon County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the various incorporated turnpike road companies whose roads are situated in Bourbon county, shall be authorized to charge and receive rates of toll as high as may by law be charged by the Maysville, Washington,

1865.

Paris, and Lexington turnpike road company for similar use and travel on said road.

§ 2. This act shall take effect from and after its passage; and the Legislature reserves the right to repeal the same at pleasure.

Approved February 15, 1865.

CHAPTER 921.

AN ACT for the benefit of the Henderson and Nashville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any one or more of the directors of the Henderson and Nashville railroad company, by printed notices posted at the court-houses of each county through which said road is proposed to be constructed, may call a meeting of the stockholders of said company to meet at the town of Hopkinsville, or such other place as may be specified in the printed notice; and the said stockholders, if a majority of the stockholders in interest are represented in said meeting, in person or by proxy, may elect a new board of directors from any persons who may be stockholders in said company.

§ 2. The said stockholders' meeting, by a majority of the shares represented in said meeting, may authorize and direct the board of directors chosen by them to cause the indebtedness of said company to be ascertained and audited; and if the said company have not the means to pay the said indebtedness, authorize and empower that said board of directors to sell the said road and its property, right of way, and franchise for a sum sufficient to pay off the indebtedness of the company; and the parties purchasing and paying for the same shall be entitled to the said road and its franchises and rights, and under the charter of the said road, and in pursuance thereof, may exercise and enjoy all the rights and powers and privileges of the Henderson and Nashville railroad company, and shall be known and called by that name, and be subject to all the requirements as specified and set forth in the charter of said Henderson and Nashville railroad company, and the several amendments thereto; but no power of sale shall be exercised by the board of directors, or a quorum thereof, except such as is given in the charter of said company and the amendments thereof, or such as shall be authorized by the stockholders as provided in the first section of this act.

Approved February 15, 1865.

CHAPTER 922.

1865.

AN ACT to incorporate the American and German Marine Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Coleman, Jul. Von Borries, James Parkhill, and Julius Dorn, of the city of Louisville, commissioners, and the subscribers of stock in this company, and their successors, shall be, and are hereby, declared to be a body-politic and corporate, by the name and style of the "American and German Marine Insurance Company," and by that name shall have perpetual succession, and shall be capable in law to hold, purchase, or receive, possess, enjoy, and retain, to them and their successors, lands, tenements, and hereditaments, goods, chattels, choses in action, public or private securities of any kind, nature, or quality whatever, and to sell and dispose of the same at any time or in any manner; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity; to make and use a common seal, and the same to break, alter, or renew at pleasure, provided said company shall not engage in trading in goods, wares, and merchandise, as merchants: *Provided*, That said company shall not have or exercise banking powers or privileges.

Corporators' names, and corporate powers.

§ 2. That the capital stock of said company shall be one hundred thousand dollars, which may be increased at the will of the stockholders to any amount not exceeding five hundred thousand dollars, divided into shares of fifty dollars each. At the time of subscribing, there shall be paid on each share five dollars; immediately after the election of directors, and before the company goes into operation, there shall be paid a further sum of five dollars per share, and the balance on each share shall be subject to the call of the directors, and shall be secured by personal security, by the hypothecation of stocks other than that of the company, or by the hypothecation and mortgage of any other property (or in any other way which shall be satisfactory to and approved of by the president and directors for the time being); said securities shall be renewed whenever the president and directors may consider it proper; and any stockholder neglecting or refusing to renew his security, or neglecting or refusing to pay an installment when required by the directors, shall forfeit all his interest in the company, and be held liable for his proportion of any loss which may have occurred previous to such neglect or refusal.

Capital stock

§ 3. That should any forfeiture occur, it may be remitted by a majority of the whole board of directors present at the meeting at which the motion for such remission shall be made, upon the payment by the person incurring the

Forfeiture of stock may be remitted.

1865.

forfeiture of the principal of said installment and interest thereon up to the time of such payment, as also of his proportion of such loss as may have occurred previous to such forfeiture.

When to organize.

§ 4. That so soon as two thousand shares are subscribed for and paid, or secured to be paid, the company shall be organized and be competent to transact all kinds of business for which it was established.

May open books.

§ 5. That the said commissioners, or any one or more of them, shall, within twelve months from the passage of this act, open books for the subscription of stock. Five days' notice of the time and place of opening the books shall be given in one or more of the daily newspapers of the city of Louisville. If the two thousand shares shall not be subscribed for at the first opening of the books, the commissioners shall have power to re-open them whenever they think fit or equitable, and as often as may be necessary, until the two thousand shares be subscribed. When the two thousand shares shall have been subscribed, the commissioners shall give the like notice of the time and place of the meeting to be held by the stockholders for the election of the president and directors, and the time fixed in said notice for the meeting shall be within sixty days after said number of shares shall have been subscribed. No individual or copartnership, firm or company, shall subscribe for, or at any time own, more than two hundred shares of the stock.

When meeting to be held.

Who to manage affairs.

§ 6. That the affairs of this company shall be managed by a president and board of six directors, to be elected by ballot, all of whom shall be stockholders. Any stockholder owning ten shares or more of stock shall be eligible as a president or director.

Directors, &c.]

§ 7. That no director of any other insurance company shall be a director of this; and should any director of this company be elected a director of any other insurance company, his acceptance of that appointment shall disqualify him from being a director of the company, and the company shall proceed to fill up the vacancy as hereinafter provided.

When officers to be elected.

§ 8. That the stockholders of this company shall hold a meeting in pursuance of the notice given by the commissioners for the first election of president and directors, within sixty days after the two thousand shares shall have been subscribed, and on the second Monday in January in each and every year thereafter, and choose by ballot from among their number a president and six directors.

How stock voted.

Each stockholder shall have one vote for each share of stock not exceeding twenty shares, and one vote for every five shares over twenty. The president and directors first

Term of office.

chosen shall serve until the second Monday of the suc-

ceeding January, and until others shall be chosen, and no longer. In case of the death, resignation, or disqualification of the president or any of the directors, the directors shall fill the vacancy by ballot.

1865.
Vacancies.

§ 9. That the corporation herein and hereby created shall have full power and lawful authority to insure all kinds of property against loss or damage by fire, and to make all kinds of insurance on vessels, all kinds of craft, and boats of every description which navigate fresh or salt water, as well as on goods, wares, merchandise, produce, and every description of property transported by land or water from any port or place in the United States to any port or place within the same; and from any port or place within the United States to any foreign port or place; and from any foreign port or place to any port or place in the United States; and from any foreign port to any other foreign port; to effect re-insurance, and generally to do and perform all things relative to the object of this institution which now is or shall be lawful for any individual or body-politic or corporate to do, and all other things necessary and proper to promote these objects; and it shall be legal for said company to invest any part of their capital stock, moneys, funds, or other property, in any public stock or funded debt created, or to be created, by or under any law or laws of the United States or of this or any other State, or in the stock of any chartered bank in this or any other State, or of the United States, and the same to sell and transfer at pleasure; and again to invest the same, or any part thereof, in such stocks or funds whenever and so often as the exigencies of said corporation or a due regard to the safety of the funds shall require, or they may loan the same, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time, and under such restrictions and limitations, as the directors for the time being shall deem prudent and best for the interest of said company: *Provided*, No such loan shall be at greater interest than at the rate of six per centum per annum.

Business of
corporation.

§ 10. That the president and directors shall have power, and it is hereby made their duty, to make and declare such dividends of the profits resulting from the business of said company as shall not impair or in anywise lessen the capital stock of same, and cause the same to be paid to the several stockholders thereof: *Provided*, That no such dividends shall be paid but shall be passed to the credit of such stock as part payment thereof, until one half of the capital stock shall be paid in, after which the profits arising from the business may be, at the option of the directors, divided among the stockholders in proportion to the amount of stock held by them.

May declare
dividends.

1865.

Officers to be
appointed.

§ 11. That the president and directors shall have power and authority to appoint a secretary and such other clerks and officers under them as shall be necessary for transacting the business of said institution, and may allow them such salary as they shall judge reasonable; and to ordain and establish such by-laws as shall appear to them necessary for regulating and conducting the business of the company, not contrary to this act, the constitution and laws of this State or of the United States; they shall keep full, fair, and correct entries of their transactions, which shall be at all times open to the inspection of the stockholders.

Stockholders
not responsible
for debts of cor-
poration.

§ 12. That no stockholders or members of the said company shall be answerable in his personal or individual property for any contract or agreement of said company, or for any loss, deficiencies, or failures of the capital stock of this company; but the whole of the said capital stock, together with all the property, rights, and credits belonging thereto, and nothing more, shall at any time be answerable for the demands against the said company.

Transfer of
stock, &c.

§ 13. That transfers of stock may be made by any stockholder, or the legal representative of any stockholder; but the company is hereby entitled and empowered to purchase the stock of any stockholder who may wish to sell his stock; and that stockholders are required, when they wish to sell their stock, to give it to the company, and for which they are to be paid its full value, as per the books of the company. That transfers of stock shall be made in a book kept for that purpose, and can only be done by a stockholder in person or by power of attorney; but no stockholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the board of directors.

When stock-
holder ceases
to do business
with corpora-
tion, stock may
be relinquish-
ed.

§ 14. Should any stockholder cease to do business with the company, the board of directors are hereby empowered to demand the surrender of the stock of said stockholder, and said stockholder must relinquish it to the company, and is entitled to be paid its value, as per the books of the company.

General meet-
ings, &c.

§ 15. That the president and directors may call a general meeting of the stockholders for any purpose relative to the affairs of the institution, giving them notice thereof; any number of the stockholders representing a majority of the stock may at any time apply to the president and directors to call a general meeting of the stockholders for any purpose relative to the affairs of the company; and if the president and directors refuse to call such meeting, the said stockholders, owning a majority of the stock, shall have power to call a general meeting of the stockholders, giving at least two weeks' notice in two of daily

newspapers of the city of Louisville, specifying in said notice the object of the meeting.

1865.

§ 16. That should it so happen, from any cause whatever, that the annual election of president and directors should not take place in any year on the day hereinbefore mentioned, this corporation shall not for such reason be dissolved, but such election may be lawfully held on such convenient day thereafter as may be fixed on by the president and directors for that purpose, they giving ten days' notice thereof in two of the daily newspapers of the city of Louisville.

Corporation not dissolved if meeting not held at time fixed.

§ 17. That all policies or contracts of insurance which may be made or entered into by the said corporation shall be subscribed by the president or president *pro tem.*, and signed and attested by the secretary, and being so signed and attested shall be binding and obligatory upon the said corporation, without the seal thereof, according to the tenor, extent, and meaning of such policies or contracts.

Who to subscribe policies.

§ 18. That the said board of president and directors may cause the business of insurance authorized to be done under the provisions of this act, to be done under the general provisions of law regulating mutual insurance companies, upon the approval of a majority of the stockholders in said company, under the by-laws passed by the board for such purpose.

May transact business under general law.

§ 19. The General Assembly reserves the right to repeal, alter, or amend this charter at pleasure.

§ 20. This act shall take effect from and after its passage.

Approved February 15, 1865.

CHAPTER 923.

AN ACT for the benefit of the Second Presbyterian Church of Louisville.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that Hamilton Pope holds the title of a lot, in the city of Louisville, at the corner of College and Second streets, conveyed to him by W. J. Maclure and others in trust for the Second Presbyterian Church of said city, that a church may be erected thereon, and on which a Sabbath school has been built; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That said lot, so held by said Pope, be, and the same is hereby, exempted from all taxation whatever, either by this Commonwealth or said city.

Approved February 15, 1865.

1865.

CHAPTER 924.

AN ACT for the benefit of Nelson Smith, a free man of color.

WHEREAS, The General Assembly of this Commonwealth did, on the 9th February, 1864, pass an act, entitled "An act for the benefit of Nelson Flint, a man of color," authorizing the administrator of his mother, Maria Flint, to emancipate said Nelson, and making him capable in law as her heir and distributee to take her estate; and it appearing that his name is Nelson Smith, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act is amended in the name of said Nelson, and that he, under the name of Nelson Smith, shall have and enjoy all the rights and benefits of the act aforesaid.

§ 2. This act to take effect from its passage.

Approved February 15, 1865.

CHAPTER 925.

AN ACT to change the Lines of Election Precinct No. 1, in Adair County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the lines of the election precinct No. 1, and known as the Columbia precinct, be, and the same is hereby, so changed so as to include William F. Burton, Gideon Burton, Joseph P. Sinclair, Joseph Cook, and Ambrose Corbin in the Columbia precinct.

§ 2. This act shall take effect from its passage.

Approved February 15, 1865.

CHAPTER 926.

AN ACT for the benefit of the Sureties of William G. Fleming, late Sheriff of the County of Fleming.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court for the county of Fleming, a majority of all the justices for said county being present and concurring therein, be, and are hereby, empowered to give further indulgence to commute or release a certain debt against John T. Fleming, Elisha S. Fitch, and George W. Taylor, of seven hundred and ninety-four dollars and six cents, evidenced by their respective notes to said county, which said debt grew out of their liability as sureties for William G. Fleming, late sheriff of Flem-

ing county, and the defalcation of said sheriff in paying over the county levy. 1865.

§ 2. That this act shall take effect from its passage.

Approved February 15, 1865.

CHAPTER 928.

AN ACT to incorporate the Christian Church of Covington, in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That James M. Fisher, James C. Thomas, George W. McDonald, William B. Mooklar, and Henry Hathaway, and their successors in office, be, and they are hereby, created a body-corporate and politic, by the name and style of "The Trustees of the Christian Church, in Covington, Kentucky;" and by that name to have perpetual succession; and in their corporate name have power to buy, take by devise, bequest, gift, or deed, any real or personal estate or property, not exceeding one hundred thousand dollars in value, and to hold, sell, convey, or otherwise dispose of the same; and to have and exercise all the powers necessary for and incident to religious corporations, not inconsistent with the Constitution and laws of the United States or the State of Kentucky; and they may sue and be sued, plead and be impleaded, so far as may be necessary to protect the property and rights, titles, privileges, and immunities of said church; and to hold and employ the property so acquired, and now or hereafter held by them, and dispose of it, and make contracts about it and with persons for the care, protection, and preservation of it, solely for the use and purpose of carrying out and prosecuting the religious interest of said church.

§ 2. That said trustees, hereby appointed, shall continue in office so long as they remain members of said Christian Church, unless they resign or refuse to serve or act as such; and when a vacancy occurs, the vacancy or vacancies shall be filled by the votes of the members of said church, from time to time, as they may occur.

§ 3. That a majority of the trustees shall constitute a quorum to do business. They shall appoint from their number a chairman and secretary. All transfers or conveyances of property by the church shall be signed only by the said chairman and secretary, and such conveyance shall pass the entire title of the church. They shall purchase for the church a book in which they shall keep a full record of all their proceedings, which book shall at all times be open to the inspection of the elders and deacons of said church or either of them.

Approved February 15, 1865.

1865.'

CHAPTER 929.

AN ACT to incorporate the Paris, Irvine, and East Tennessee Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name & style,
and corporate
powers.

§ 1. That all persons who shall become stockholders in the company hereby authorized shall be a body-politic and corporate, in perpetuity, by the name of "The Paris, Irvine, and East Tennessee railroad company;" and shall be capable of contracting and being contracted with, of suing and being sued; and may have a common seal, and make and alter the same at pleasure; and shall be capable in law of purchasing and holding any real and personal property necessary and suitable for the object and purpose of constructing, maintaining, and operating a main line of railway and branches, with one or more tracks, and for providing all such appurtenances, means, accommodations, and facilities as may be deemed necessary by said company for the construction, equipment, and most convenient and profitable use of the same; the main line of railway to commence at any eligible point in or near Paris, Bourbon county, and from thence through or near the town of Irvine, Estill county, Kentucky, and from thence in the direction of the Tennessee line, to terminate at such point as the company may determine, and by such route as they may deem most practicable; and the branches to extend from the main line to Colliere's iron works, mines, oil fields, salt works, and such other points as may be deemed expedient, not destroying the vested rights of other corporations.

Commissioners
to open books.

§ 2. That B. F. Williams, John A. Prall, J. H. G. Bush, B. B. Groom, Harrison Thompson, J. H. Gardner, Thomas Sewell, S. M. Barnes, T. T. Garrard, J. H. Goff, James White, James H. Embry, T. G. Finn, J. Towner, Benjamin Grant, H. S. Stearns, Wilson King, John S. Brown, Irvine Camp, F. B. Bailey, Selden Marion, George Kellogg, W. L. Cleveland, be, and they are hereby, appointed commissioners, under the direction of any two of whom books may be opened for the purpose of receiving subscription to the capital stock of said company, at such times and places as they may prescribe by advertisements in one or more public newspapers, and may continue them open for such times as they may deem expedient: *Provided*, That any subscription tendered at any time and place other than advertised by said commissioners, if accepted by them, shall be as valid against the party subscribing as if received at the time and place advertised, and the obligations of said subscribers may be enforced by suit in the name of said company.

§ 3. Each subscriber at the time he subscribes shall pay to the said commissioners, or their agents appointed to receive such subscriptions, two dollars on each share subscribed by him, and the residue in such installments, at such times as the directors of said company shall deem proper, under penalty of forfeiting the shares of stock subscribed for, and all previous payments thereon, if payment shall not be made within thirty days after personal demand, or notice by advertisement, in one or more newspapers published in Paris and Covington: *Provided*, That the directors, by a majority of their whole board, may remit any such forfeiture on such terms as they may think proper.

1865.
Subscriptions
of stock, how
paid.

§ 4. The capital stock of said company shall be two millions of dollars, in shares of one hundred dollars each, which may be subscribed for by any individual or corporation, and shall be considered personal property; said company may increase their capital stock to three millions of dollars, if, in their opinion, it may become necessary.

Capital stock.

§ 5. Whenever one thousand or more shares of the capital stock shall have been subscribed, a majority of the commissioners may close the books, and call a general meeting of the subscribers for the election of directors, at such time and place as they may appoint, and shall give twenty days' notice thereof, in one or more of the newspapers published in Paris and Covington; and at such meeting the commissioners, or three of them, shall be present and conduct the election, and shall lay the subscription books before the subscribers then and there present; and in case more than twenty thousand shares of stock shall have been subscribed, they shall strike off the surplus from the largest subscriptions until the same shall be equalized as near as may be; and thereafter a majority in value of the subscribers present shall have power to elect from among the stockholders seven directors to manage the affairs of said company, and those seven directors, or a majority of them, shall elect a president of said company from among the directors, and may allow him such compensation for his services as they may think proper; and in such election of directors, and on all other occasions, whenever a vote of the stockholders is to be taken, each stockholder shall be allowed one vote for every share of stock which shall have been owned by him, her, or it, for ten days, and no other, and may in writing depute any other person to vote and act as his, her, or its proxy. The directors shall hold their office for one year and until their successors are elected and qualified, and shall fill all vacancies in their board.

When meeting
to be held, &c.

President to be
elected.

Stock, how
voted.

Term of office.

§ 6. There shall be an annual meeting of the stockholders at the office of said company, on the first Monday in May, for the election of seven directors to serve for the

Annual meet-
ings.

1865.

Judges of elections.

ensuing year: *Provided*, That the directors shall have power to change the time and place of holding such annual meetings, upon publishing such change in the newspapers aforesaid, not less than thirty days prior to the time previously appointed. At all such meetings the directors shall choose three judges from among the stockholders, whose duty it shall be to receive the votes of the stockholders for directors, and openly to count the votes and declare the result.

Called meetings.

§ 7. Meetings of the stockholders may be called by the directors, or by stockholders owning not less than one fourth of the stock, by giving thirty days' notice of the time and place of holding the same in the newspapers aforesaid; and whenever any such meeting is called by the stockholders, the particular object of such meeting shall be stated in such notice; and if at any such meeting a majority in value of the stockholders are not represented in person or by proxy, such meeting shall be adjourned from day to day, not exceeding five days, without transacting any business; and if within said five days stockholders having a majority in value of the stock subscribed do not attend, such meeting shall be dissolved.

Exhibit of affairs of corporation to be made.

§ 8. At the annual meetings of the stockholders, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of said company; and at any meeting of the stockholders, a majority in value of those present may require a similar statement; and at all general meetings of the stockholders, a majority of them in value may remove from office any president, director, or other officer of said company, and elect others in their stead: *Provided*, Notice of such intended removal shall have been given, as required in the preceding section.

Officers may be removed.

Officers to be elected.

§ 9. There shall be a president and secretary and treasurer of said company, who shall be elected annually by the directors, and the president from the directors, except as provided in the preceding section; and also such other subordinate officers, agents, and engineers and servants of the company, as may be necessary, who may be elected, appointed, or employed by the president and directors; any officer or agent of the company may be required to give bond, with good security, for the faithful performance of his duties.

May contract for carrying on business. make by-laws, &c.

§ 10. The president and directors shall have power to make contracts for carrying on all the business within the object and purposes of the company, and to make such rules, regulations, and by-laws, not incompatible with the laws of this State or of the United States, as they may deem necessary and proper for regulating elections, the government of the company, the duties and responsibility of offi-

1865.

cers and agents, directing the manner of adjusting accounts against the company, and prescribing in what manner and by what evidence the capital stock of the company may be transferred: *Provided*, That no share of stock shall be transferable until all previous calls thereon shall have been fully paid in, or the shares shall have been forfeited for the non-payment of the calls on the books of the company.

§ 11. The president and directors shall have power to open books and receive subscriptions to any of the capital stock which shall at any time remain unsubscribed for, or to sell or dispose of the same for the benefit of the company, not under its par value; and if the president and directors so determine, it shall be lawful for them to receive subscriptions to the capital stock, payable in contracts, well secured, to build such parts of the railroad and branches, or to perform such work in the construction thereof as may be accepted by the company, or payable in coal or iron lands, or any lands lying in convenient proximity to the road, or in the bonds of the subscribers, secured by double the amount in value of unencumbered real estate, redeemable by installments or otherwise as may be specified within ten years from the date thereof, and bearing interest at the rate of six per cent. per annum, payable semi-annually in Louisville or elsewhere, as may be specified; and the president and directors may, if necessary, issue a preferred stock to an amount not exceeding one half of the capital stock of the company, with such priority over the remaining stock in payment of dividends as they may determine and shall be approved by a majority in value of the stockholders.

May open
books for the
subscription of
stock.

§ 12. The company shall have the right to borrow such sums of money, not exceeding one half the amount of their capital stock, as may be necessary for their legitimate purposes; and they may issue and dispose of their bonds for any amount so borrowed for such sums and at such rates of interest as is allowed by the laws of the State where such contract is made, and mortgage the whole or any part of their corporate property and franchises to secure the payment of any debt contracted by the company, and may secure the same by a deed of trust on said property and franchises, conditioned for the punctual payment of the interest on said bonds as the same may fall due, and the principal when it shall become due, and with the authority for the trustee to sell all said property and franchises to raise the interest and principal if not punctually paid, on such terms and notice as shall be declared in the deed of trust, without suit and decree or foreclosure: *Provided*, That should said property and franchises be sold under said deed of trust, the purchaser shall be entitled to

May borrow
money and is-
sue bonds.

1865.

all the rights and privileges of this charter and of any amendments which may be made thereto, and subject to all the obligations and restrictions of the same; and the company may sell their bonds either within or without this State, at such rates and prices as permitted by law, and such sale shall be as valid as if such bonds should be sold at par value; the company may confer on any holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, under such regulations as the company may adopt; and may indorse any bonds which they are authorized by this act to receive in payment for stock, and may pledge the same as securities, and dispose of any such bonds on such terms and at such rates as may be lawful and expedient.

May purchase
and hold lands.

§ 13. The company may purchase, and by voluntary grants receive and take, and by their officers, agents, engineers, contractors, and workmen, enter upon, examine, survey, take possession of and hold, and appropriate and use, any lands and real estate and other property, and any earth, waters, timber, gravel, stones, or other materials, and any right of way and interests which may be necessary or useful for the construction, maintenance, and operation of their railroad and branches, side tracks, stations, depots, and other accommodations necessary to accomplish the objects for which this corporation is created: *Provided*, The company shall not take possession of or change or alter the same until the compensation thereof, as agreed upon by the parties, or ascertained as hereinafter prescribed, shall have been paid to the owner or owners thereof or deposited as hereinafter directed, unless the consent of such owner be given to enter into possession.

May acquire
right of way.

§ 14. In case the company cannot purchase or obtain by voluntary grant or otherwise the necessary lands for the use of said road and branches, or the right of way through any land and the title thereto, or the necessary materials for the construction, maintenance, or use of said road or branches, then they may obtain the same in the manner and mode as prescribed in the Revised Statutes of this Commonwealth, in chapter one hundred and three, title turnpike and plank roads.

May cross riv-
ers, roads, &c.

§ 15. The company may construct their railroad and branches across any navigable river, water-course, road, highway, railroad, or canal, in such manner as to afford security to life and property, and so as not to interfere with the free use of the same, and shall restore the same to its former state, or in a sufficient manner not to have impaired its usefulness or injured its franchises; and may cross, intersect, or connect their road with any other railroad at any point upon its route and upon the grounds of

May intersect
other roads.

1865.

such other railroad company, with the necessary sidings, switches, and other conveniences, upon such terms as the two companies can agree; and if they cannot agree upon the amount of compensation to be made therefor, or the point or manner of such crossings or connections, the same shall be ascertained and determined as provided in the preceding section; but this section is not to affect the rights or franchises heretofore granted to such other company, and full power is hereby reserved to the State to authorize any other railroad company to cross, intersect, or connect their road in like manner and upon like terms with the railroad belonging to this company.

§ 16. The company shall have the power to receive, transport, and convey persons and property on their railroad and branches, and may establish and regulate the tolls and compensation to be paid therefor to said company: *Provided*, Such tolls and compensation does not exceed those allowed by law to be collected or charged by the Louisville and Nashville railroad company

May transport passengers, &c., and rates.

§ 17. The company shall have the power to establish a telegraph along the line of their road and branches, and may erect and use any apparatus for conveying intelligence with rapidity by means of signals or otherwise.

May establish telegraphs.

§ 18. Whenever the company shall have finished five miles of their road, they may prosecute their business as if the whole work was completed: *Provided*, That if they do not commence their road and expend five per cent. of their capital stock thereon within ten years, this act of incorporation shall be void.

When to commence.

When charter void.

§ 19. If any person or persons shall willfully, by any means whatsoever, injure, obstruct, impair, or destroy any part of any railroad constructed for said company under this act, or any of their works, buildings, carriages, or machinery, or property of any kind, such person or persons shall, for every such offense, forfeit and pay to said company a sum equal to twice the amount of damage sustained by said company by reason thereof, which may be recovered by said company by action in the circuit court of the county wherein such offense shall be committed.

Penalty for injuring or obstructing road.

§ 20. The president and directors shall annually or semi-annually declare and make such dividend as they may deem proper of the net profits arising from the business and resources of the company, after deducting a reserved fund for the current and probable contingent expenses, and shall divide the same among the stockholders in proportion to their respective shares, first providing for dividends upon preferred stock, if any.

Dividends.

§ 21. This act shall take effect from and after its passage.

Approved February 15, 1865.

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CHAPTER 930.

AN ACT to amend the charter of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Salary of mayor § 1. That the charter of the city of Louisville is amended as follows: The mayor shall receive as compensation for his services not less than two thousand dollars and not more than four thousand dollars per annum, payable quarterly, and the general council shall, in the month of May, 1865, and every two years thereafter in the same month, fix by ordinance the salary of the mayor for his term of office, which shall not be changed during the said term.

5th section of charter repealed. § 2. That so much of the 5th section of article 4 of the city charter as requires the mayor's approval of contracts, which have been previously acted on and approved by him, is repealed.

Receiver of city taxes may be appointed--his powers and duties. § 3. That the general council of said city may create by ordinance the office of receiver of city taxes, and may by ordinance, from time to time, prescribe rules and regulations for the control, management, government, duties, and liabilities of said office and officer of receiver of city taxes, and may enforce the same by adequate fines and penalties, and may require bond or bonds from said receiver of city taxes to the said city, with good and solvent security in a penalty sufficient to secure and cause the faithful and prompt discharge of the duties of the said receiver of city taxes, and the security and payment of the said taxes received or collected or placed in said receiver of city taxes hands for collection; and said general council may, by ordinance, direct the taxes assessed and levied by said general council at any time to be paid to said receiver of city taxes, at his office in said city, at such time or times as may, from time to time, be designated in any of said ordinances, and may, for the non-payment of the whole, or any part of said taxes or tax bills, at the time or times named in said ordinance, charge and enforce the collection of a per centage on the amount of such unpaid tax, not exceeding the rate of ten per centum, which per centage shall be held and made part of the tax bill to which it is added as herein provided, and the collection thereof enforced as taxes are authorized to be collected by the collectors of city taxes as provided in said city charter; the said receiver of city taxes shall be elected by the qualified voters of said city, at the times and places for the general election of city officers, in April, 1865, and every two years thereafter; and he shall hold said office for two years, and until his successor is elected and qualified; he shall be subject to removal at the pleasure of the general council for cause; and in case of his removal, or said office becoming vacant from any cause, the general

Receiver to be elected, & term of office.

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council may fill such vacancy by joint ballot of the boards of aldermen and councilmen, for the remainder of the unexpired term of said officer; but the person appointed or elected by the general council shall be subject to removal at the pleasure of said general council for cause, and vacancies in said office may be filled, from time to time, by the general council: *Provided*, That the general council may create said office of receiver of city taxes as herein provided, or may continue the collection of said taxes as now provided by said city charter, and may order the election of tax collectors in the eastern and western tax districts in said city; the said receiver of city taxes shall possess and have all the power and authority for the collection of tax bills placed in his hands by the order of general council that is or was conferred on, or could be exercised by, the collectors of city taxes by the said city charter, or any ordinance passed by said general council.

Further powers
of receiver.

§ 4. That the general council shall annually, in the month of May, fix the salary or compensation of the receiver of city taxes, which shall not be increased or diminished, directly or indirectly, during the year, and shall not allow any additional pay or compensation to said officers for such year's services.

Compensation
of receiver.

§ 5. That the general council shall have power and authority to provide by ordinance for cleaning, keeping clean, and protecting the sidewalks of the paved streets within said city; and may adopt and establish rules and regulations to protect, keep clean, and remove any and all substance from said walks, by the owners of lots of ground fronting the same; may pass ordinances, with fines and penalties, to enforce such rules and regulations.

May keep side-
walks & streets
clean.

§ 6. That the general council shall have power and authority to pass, from time to time, ordinances to cause the owner of ground fronting any paved street or alley within said city to grade and level or fill up his or her ground next to said paved street, so as to protect the sidewalk from injury, or falling in, or washing away, or being encumbered with dirt, or other substance; and the said general council shall have power and authority to adopt and enforce rules and regulations, by adequate fines and penalties, by ordinance, to enforce the power given in this section.

May cause
streets to be
graded, &c.

§ 7. That the general council shall have power and authority, by ordinance, to cause sidewalks to be laid off, graded, paved, and curbed in any alley within said city, which is twenty feet wide, at the expense and cost of the owner of the ground fronting any such alley; but no such sidewalk in any said alley shall be more than five feet wide; and no such improvement shall be ordered unless the owners of a majority of feet of ground fronting the alley shall petition for the same in writing.

May have al-
leys graded,
paved, &c.

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Lien on ground
for improve-
ments.

§ 8. That the cost and expense of the improvements authorized by the 9th and 10th sections of this act shall be a lien on the ground fronting the improvements, and the lien may be enforced and the ground subjected as provided in the 5th section of 7th article of city charter.

May appoint
private watch-
men.

§ 9. That the general council may appoint private watchmen, at the request of any citizen of Louisville, to guard his premises or property, or the property of any corporation within said city; and such watchman so appointed, and his office, duties, and powers, shall be regulated from time to time by ordinance; and said watchman may at any time be removed from office by the general council or mayor; but no such watchman shall be paid by the city for his services, nor shall the said city be bound therefor.

May grant li-
cense for less
than twelve
months.

§ 10. That the general council may grant licenses within said city for less than twelve months; and may license and regulate by ordinance, with adequate fines and penalties, and required to be licensed, gift stores, fairs, street brokers, or persons engaged within said city in buying or selling or negotiating for themselves or others in the purchase or sale of stocks, gold, or any article of trade or merchandise in the or elsewhere in said city.

May protect
street railroads

§ 11. That the general council may pass, from time to time, ordinances, and enforce the same by fines and penalties, to protect street railroads within said city.

May purchase
land for drain-
ing city.

§ 12. That said city may acquire and hold, by purchase or condemnation, by the appropriate legal proceedings or otherwise, ground within Jefferson county for making ditches for draining any part of said city; and shall have the right of action and recovery for trespass on property belonging to the city, or on any of her public works or improvements.

May pass ordi-
nances in rela-
tion to inspec-
tion and weigh-
ing of flour,
coal, &c.

§ 13. That the general council may, from time to time, by ordinance, create, establish, and regulate, and enforce by fines and penalties, the inspection, measuring, gauging, and weighing of coal, flour, salt, lime, liquor, beef, and lard sold or offered for sale within said city; and so much of said charter or any act of the General Assembly as conflicts with this section is repealed.

Fees of city
clerk.

§ 14. That the clerk of the city court of Louisville shall be entitled to the same fees of clerks of the circuit and county courts for similar services.

Claims to be
approved.

§ 15. That claims against the said city and county of Jefferson, jointly, shall not be paid until approved and ordered to be paid by the county court and general council.

Qualification
of officers.

§ 16. That a residence in the city of Louisville of one year, and two years within Jefferson county, next preceding the general election of city officers, shall, so far as resi-

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dence is required, be a sufficient qualification for any office under said city charter or government; but this section shall not in any way change the other qualifications for office required by said charter.

§ 17. That the police of said city shall have powers in cases of felony to execute process and make arrests within Jefferson county.

Police in cases of felony.

§ 18. That the general council shall not have or exercise power to pass any ordinance authorizing the arrest of any citizen, or his commitment for a breach of such ordinance, without providing for the discharge from arrest by giving bonds with security for appearance in the city court of Louisville to answer.

Proceedings in case of breach of ordinance.

§ 19. That it shall be the duty of the clerk of the city court of Louisville to render to the treasurer of the board of trustees of the public schools of said city, in the months of January, April, July, and October, in each year, a statement showing the recoveries and payments into said court on all fines and forfeitures which said schools are entitled to; and the clerk and marshal of said court shall, in the said months of January, April, July, and October, in each year, pay over to said treasurer, and take his receipt therefor, all sums of money in his hands which said schools are entitled to; and upon failure of said clerk or marshal to comply with the provisions of this section, respectively required of him, it shall be the duty of the judge of said court to enforce a compliance by rule, attachment, and adequate fine, not exceeding one hundred dollars; and said treasurer may proceed against either said clerk or marshal as authorized by law against defaulting sheriffs; and said clerk or marshal shall in all respects be subject to the laws against defaulting sheriffs. That the marshal of said court shall be entitled to the same fees and commissions for similar services as sheriffs of this Commonwealth are or may be entitled to, and shall possess the same power and authority of sheriffs to enforce the collection of executions on judgments in said court. The said city is entitled to the benefit of this section to enforce monthly reports from the said clerk and marshal of all recoveries in said court the city is entitled to, and the payment of such recoveries to the city treasurer.

City clerk to make report to trustees of public schools.

§ 20. That the following portion of said city shall be and is established as the tenth ward: Beginning at a point in the southern boundary of said city in the center of Tenth cross street, running thence north with the central line of said Tenth street to the Ohio river; thence down the river to a point in the center of Fourteenth street; thence with the central line of Fourteenth street south to the southern limits of the city; thence with said line to the beginning. The eleventh ward of said city shall be composed of all

Boundary of 10th ward.

Boundary of 11th ward.

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Boundary of
12th ward.

that part of the city which lies west of Fourteenth street, and east of the following line: Beginning at a point in the southern boundary of said city, where Twenty-first street intersects the same, thence with the central line of said Twenty-first street north of Portland Avenue; thence with said avenue to the center of street; thence with the central line of Bridge street to the Ohio river. The twelfth ward shall be composed of all that part of said city west of the west line of the eleventh ward. The officers heretofore elected the tenth and eleventh wards shall continue in office until the next general election under the charter of the city, when one alderman and two councilmen shall be elected for each of said eleventh and twelfth wards by the qualified voters thereof; and the general council may hereafter, as provided in the charter of said city, divide said city into twelve wards, having a due regard to population and territory.

§ 21. That acts or parts of acts contrary to this act are repealed; and the Legislature reserves the right to alter, amend, or repeal this act, which shall take effect from its passage.

Approved February 16, 1865.

CHAPTER 931.

AN ACT for the benefit of E. B. Treadway.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Elisha B. Treadway, former sheriff of Owsley county, be, and he is hereby, allowed the further time of two years from and after the passage of this act to collect all fees and taxes due him in the counties of Owsley and Wolfe: *Provided, however,* That the said Treadway shall be subject to all the restrictions and liabilities of existing laws, and have all the powers given by existing laws in regard to the collection of fees and taxes.

§ 2. *Be it further enacted,* That said Treadway shall have the same power to collect said unpaid fees and taxes in the county of Wolfe, that he will have under this act and under existing laws in the county of Owsley.

§ 3. This act shall take effect from its passage.

Approved February 16, 1865.

CHAPTER 932.

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AN ACT for the benefit of the Coroner of Nicholas County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the coroner of Nicholas county be empowered to collect the unpaid fee bills and taxes of John B. Holladay and A. J. Banta, late sheriffs of said county.

§ 2. That the further time of two years be allowed the coroner to collect said fee bills.

§ 3. That he shall have power to distrain for the same and shall be liable to all the penalties now against sheriffs for collecting illegal fee bills, and shall receive the same fees as sheriffs are allowed for collecting fee bills.

§ 4. This act to be in force from its passage.

Approved February 16, 1865.

CHAPTER 933.

AN ACT for the benefit of Thomas Carter and Buford Musson, of Marion County.

WHEREAS, It is made known to this General Assembly that in the year 1863 Thomas Carter and Buford Musson paid to the clerk of the Marion county court the price for sixty-one acres of vacant land in the county of Marion, and procured an order of the county court authorizing them to locate that quantity of any vacant and unappropriated lands in said county, upon which order a survey was made by the surveyor of Marion county; and whereas, the records of the Marion county court have been destroyed by fire, so that a copy of the order of county court aforesaid cannot be had, and the Register of the Land Office being unauthorized to issue a grant for said land in consequence; therefore, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Register of the Land Office be, and is hereby; directed to receive, file, and register in his office the survey for sixty-one acres of land made by F. G. Philips, surveyor of Marion county, on the 2d day of May, 1863, in the name of Thomas Carter and Buford Musson, and issue to them a grant thereon: *Provided*, That said survey shall lie in the office to await caveat the same length of time as surveys regularly filed are required by law to lie.

§ 2. This act shall be in force from its passage.

Approved February 16, 1865.

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CHAPTER 934.

AN ACT for the benefit of Squire Lucas, late Sheriff of Grant County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years is granted to Squire Lucas, late sheriff of Grant county, to collect, by distress or otherwise, any balance of taxes due him for the years 1860, 1861, and 1862, and to collect, by distress or otherwise, any fee bills due him as sheriff as aforesaid: *Provided*, That the said Lucas shall be liable to all the pains and penalties for any illegal distress.

§ 2. This act shall take effect from its passage.

Approved February 16, 1865.

CHAPTER 935.

AN ACT to create a Bounty Fund in the Pleasureville Voting Precinct or District, of Henry County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it may be lawful for the county judge of Henry county to appoint a commissioner who may raise a fund in the Pleasureville voting district, not exceeding five thousand dollars, as a bounty fund to raise volunteers for the service of the government.

§ 2. Said commissioner may have power to levy a per capita tax on each person subject to military duty, excepting those hereafter named, of twenty dollars; and also a tax of twenty-five cents on each one hundred dollars of property subject to tax, excepting the property of those persons exempt from military duty; this tax, per capita and ad valorem, shall be collected by him as the tithe and ad valorem taxes of the State are now collected; and he may have the same powers for this purpose that the sheriffs now have for collecting taxes.

§ 3. Before said commissioner enters on the discharge of his duty he shall give bond, with sufficient security, and take oath for the discharge of his duty before the county judge of the county, on which bond he may be sued by any one aggrieved in the Henry circuit court.

§ 4. The fund arising from the collection of the tax shall be applied under the direction of the county judge to obtaining volunteer soldiers to relieve the citizens of the Pleasureville district from the burthens of the draft, if required; and if not, shall be paid back to the various parties that have paid it, as they paid it, deducting any expenses of collection.

§ 5. The commissioner shall make settlement annually with the county judge of his county, and may have as

compensation for his services the rates allowed sheriffs for collecting taxes.

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§ 6. This law shall apply only to the Pleasureville district or precinct as it is now bounded; and shall not be construed so as to subject to tax any person in that district who has served two years in the United States Army, or who, from any cause, is exempt from military duty.

§ 7. This act to take effect from its passage.

Approved February 17, 1865.

CHAPTER 936.

AN ACT to amend the charter of the City of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the mayor and council of the city of Lexington be, and they are hereby, empowered to levy an additional tax of fifteen cents, for the year 1865, upon each one hundred dollars of taxable property in said city liable to taxation for city purposes, to be collected and accounted for in the same manner now required by the charter and by-laws of said city.

§ 2. This act to take effect from its passage, and remain in force for one year.

Approved February 17, 1865.

CHAPTER 937.

AN ACT to provide a Bounty Fund for Oldham County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to raise the quota of men required under the present call for the county of Oldham by volunteering, or to rid said county of the draft by procuring substitutes for those who may be drafted under the present call made for volunteers, it shall and may be lawful for the county court of Oldham county to borrow for and in behalf of said county, from any bank, banking association, corporation, or from private individuals, any sum of money not exceeding twenty-eight thousand dollars in the aggregate, which shall be expended in the purposes aforesaid, and for no other.

§ 2. That the loans authorized by this act shall not be for a longer period than five years, nor less than two years; the county reserving to itself the right to redeem said bonds at any time after the expiration of two years, at their par value.

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§ 3. The county court, for the money they may borrow under the provisions of this act, shall issue and deliver to the lender the bond or bonds of the county, payable to him or bearer, bearing interest at the rate of six per cent., payable annually at the county seat of said county, or such other place and times as said court may contract; an accurate register of the sums of money borrowed under the provisions of this act, the date of the loan, the name of the lender, and the amount loaned by him, together with the date, number, and amount of each bond which may be issued for said loans, and when due, shall be kept by the county court clerk of said county safely in his office; said bonds shall be signed by the county judge of said county and attested by the clerk.

§ 4. The bonds issued under the authority of this act shall pass by delivery, and without written assignment thereon.

§ 5. To enable said county to pay the interest of said bonds, and finally extinguish the principal of the same when they fall due, there shall be levied by the county court of said county (a majority of all the justices being present and concurring therein) an annual tax of twenty cents on the one hundred dollars in value of the taxable property within said county subject to taxation for revenue purposes, under the general law on that subject, which shall be collected as the revenue of the State is collected, and paid over by the sheriff or such officer as said court may appoint, to the treasurer, to be appointed by said court.

§ 6. Said court shall appoint a treasurer to receive said money when collected by the sheriff or other officer appointed for that purpose, who, before entering on the duties of this office shall execute bond, with security to be approved by said court, for the faithful discharge of his duties under this act; he shall pay over to such persons such sums of money as said court may direct.

§ 7. The sheriff, or other collecting officer charged with the collection of the tax imposed by this act, shall be invested with all the powers, and subject to all the pains and penalties, now prescribed by law against defaulting sheriffs; said sheriff, or such officer as said court may appoint, shall give bond, such as is now required by law of sheriffs for collection of the revenue, and shall receive such compensation as may be fixed by said court, not exceeding the amount now allowed for the collection of the revenue of the State.

§ 8. Said court shall also have the power to levy and collect a capitation tax, not exceeding twenty-five dollars, on all male persons between the ages of twenty and forty-five in said county, which shall be collected and appropri-

ated as hereinbefore provided: *Provided*, That those who have served in the army of the United States for two years, and been honorably discharged, and all those exempt from military duty, shall be exempt from both the capitation and property tax herein provided for.

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§ 9. The county court shall have full and complete power to sell said bonds, have the taxes herein provided for collected and paid to their treasurer, and to dispose of the proceeds of said sales in such manner as will be best to fill the quota of said county and relieve it from the draft under the present call.

§ 10. This act shall take effect from its passage.

Approved February 20, 1865.

CHAPTER 941.

AN ACT to incorporate the Louisville Mutual Literary Benefit Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. D. Barfield, H. A. Boies, Wm. L. H. Owens, and their associates and successors in office, be incorporated a body-politic, under the name of the "Louisville Mutual Literary Benefit Society," and by that name shall have perpetual succession and corporate existence, with full power to contract and be contracted with, sue and be sued; to have a corporate seal, and the same to alter or break at pleasure; and to ordain or put into execution such constitution, by-laws, rules and regulations for the government of said society, and for the prudent and efficient management of its affairs, as may be deemed expedient and proper: *Provided*, The same be not inconsistent with the constitution or laws of this State or of the United States.

§ 2. Said corporation is hereby authorized and empowered to acquire and hold by purchase, devise, gift, grant, or otherwise, real estate to the value of not more than ten thousand dollars, a library and other personal property to the value of not more than ten thousand dollars; its officers may, from time to time, employ a treasurer, and other officers and agents, as they may deem proper, and require bonds from them or either of them, which shall be binding in law, conditioned for the faithful performance of their respective duties; and said corporation may compel the individual members of the society to pay all dues, demands, and moneys, which may properly be owed by each.

§ 3. The qualifications for membership of said association shall be such as may be prescribed by its constitution and by-laws.

§ 4. The corporation hereby authorized shall have no power to deal in bills of exchange, nor to engage in the

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business of bankers or brokers. The net profits of all their business and operations shall be forever appropriated in charity, for the relief of the members and improvement of their condition.

§ 5. Full power is reserved to the General Assembly of Kentucky to repeal, alter, or amend this act.

§ 6. This act shall take effect from its passage.

Approved February 22, 1865.

CHAPTER 942.

AN ACT to amend an act, entitled "An act to incorporate the town of Mt. Sterling," approved March 12, 1851, and an act to amend an act, entitled "An act to incorporate Mount Sterling," approved February 28, 1863.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of Mount Sterling shall have jurisdiction, within the limits of Mount Sterling and the town precinct, of all civil causes of which justices of the peace have jurisdiction; and he shall hold his courts for the trial of civil actions in Mount Sterling, on the first Mondays in every month.

§ 2. That in case a vacancy in the office of marshal of the police court of Mount Sterling, occasioned by death, resignation, removal, or otherwise, it shall be filled by an election for the remainder of the term, upon due notice of the time and place of election.

§ 3. That when said police judge fails to attend any of his regular courts for the trial of civil actions, it shall be lawful for the nearest justice of the peace or the chairman of the board of trustees of Mount Sterling, to hold said court and render judgments for him, which shall be entered upon his record as though rendered by himself, and executions issued thereon accordingly.

§ 4. That sections number eight, twelve, thirteen, fourteen, fifteen, sixteen, eighteen, nineteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-eight of an act to amend an act, entitled "An act to reduce into one the several acts in relation to the town of Harrodsburg," approved January 12, 1860, be, and the same is hereby, made a part of this act, and that the word Mount Sterling be substituted for Harrodsburg, and Montgomery county for Mercer county, in said sections.

§ 5. It shall be the duty of all peace officers and policemen to arrest all disorderly or drunken persons and take them before the police court, to be dealt with according to law: *Provided*, That when any drunken or disorderly person is arrested in the night time, the officer making the

Jurisdiction of
police judge.

Vacancy in of-
fice of marshal.

Magistrate may
hold court in
absence of
judge.

Sections of
Harrodsburg
charter made
part of this.

Who to make
arrests.

arrest may commit him to the county jail or work-house or watch-house until the next morning, when he shall be carried before the police judge or court to be dealt with according to law; and the jailer of Montgomery county is hereby directed to receive such persons, when arrested and in custody of such officer, in the night time, without any order of commitment.

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§ 6. There shall be a digest of the ordinances and by-laws of the town which are of a general nature published within three months after the passage of this act; and a like digest within every three years thereafter, which shall be printed in the town newspaper, or printed and posted in five of the most public places of said town.

Digest of ordinances to be published.

§ 7. That at all elections held for the election of officers for the town of Mount Sterling the voters of said town shall consist of white male citizens of said town over the age of twenty-one years, and who have been *bona fide* citizens thereof twelve months preceding the election; and also by the white male citizens of the age of twenty-one years who may live without the limits of said town, but within the limits of Montgomery county, and who shall be the owners of real estate within the limits of said town subject to taxation under the general law.

Qualifications of voters.

§ 8. That when any prosecution is instituted for a breach of any of the ordinances or by-laws of said town, the prosecution shall issue in the name of the Commonwealth for the use and benefit of the trustees of Mount Sterling, and said town shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted, said town shall be liable to the officers for the costs.

Process, fines, &c.

§ 9. That the Secretary of State furnish to the police judge of Mount Sterling one copy of Stanton's Revised Statutes (last edition), one Code of Practice (Stanton's last edition), and the acts of the General Assembly passed since the adoption of Revised Statutes, to be kept and preserved by the judge of Mount Sterling police court.

Secretary of State to furnish judge with books.

§ 10. That all general laws relating to towns, and not inconsistent with the provisions of this act and those to which it is an amendment, shall apply to the town of Mount Sterling.

General laws made applicable.

§ 11. The board of trustees shall elect an attorney for said board and police court, whose duty it shall be to give legal advice to the board when called upon, to prosecute all persons in said court charged with a violation of the criminal and penal laws, and of the by-laws and ordinances of said town, institute proceedings for the enforcement and forfeiture of recognizances and bail bonds, and the enforcement and collection of all judgments against offenders; and for his services in every case he shall be entitled to, as his fee, the sum of two dollars: *Provided, however, That*

Attorney to be elected — powers and duties.

1865.

in all jury trials where the said attorney does not receive a part of the fine, there shall be taxed a fee of two dollars and fifty cents against the defendant if convicted.

Marshal—powers and duties.

§ 12. The town marshal of the town of Mount Sterling shall collect the taxes and revenue of said town, and shall give bond and approved security for the faithful discharge of this duty, in addition to the bond given for the discharge of the other duties of his office; he shall have the power to levy and sell property in said town for the payment of town taxes, under the same rules, penalties, and regulations governing and applicable to the sheriffs of this Commonwealth in levying and selling property for the payment of taxes levied for State purposes. The town marshal and lawfully appointed night watch of said town shall have the same power to arrest felons, accused and disorderly persons, within the limits of said town, that is now given by law to the police officers and watchmen of the city of Louisville. The town marshal shall be allowed to charge and receive the same fees for his services that were allowed constables by an act approved January —, 1865.

Fees of police judge.

§ 13. That hereafter the police judge (so far as the same will apply) shall receive the following fees for the services performed by him, viz: For swearing a jury and presiding over it in any case, except breaches of the peace and forcible entry and detainer, one dollar; for presiding at the trial of all breaches of the peace or misdemeanor, to be taxed vs. defendant, if found guilty, one dollar and fifty cents; for swearing a jury and superintending trial of writ of forcible entry and detainer, per day, two dollars; for presiding at examining court, per day, to be paid out of the treasury, two dollars; for taking depositions, same fees allowed examiners; for issuing warrant of arrest for witness or witnesses, twenty-five cents; for each order of injunction, twenty-five cents; for each copy thereof, fifteen cents; for each order of attachment, twenty-five cents; for each copy thereof, fifteen cents; for each subpoena, twenty cents; for each bond and oath to sureties and certificate thereof, forty cents; for each copy thereof, twenty-five cents; for taking a recognizance in court, thirty cents; for each distress warrant for rent, fifty cents; for issuing an execution, including indorsements, and return thereof, to be charged when issued, forty cents; for a copy of any execution, twenty-five cents; for rendering a judgment, twenty-five cents; for recording an original judgment without a jury, twenty-five cents; for each copy of a judgment, twenty cents; for entering and giving a post note of an estray, affidavit, and certifying, &c., fifty cents; for issuing a summons for a garnishee, twenty-five cents; for a copy of each order of arrest in ordinary or equity,

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fifteen cents; for a copy of each order of delivery, fifteen cents; for each order of court in any action, twenty-five cents; for each copy thereof, twenty cents; for taxing costs for each party or parties at each term when judgment for costs is rendered, or on final judgment, twenty cents; for each subpoena *duces tecum*, twenty-five cents; for docketing a cause at each term, ten cents; for a copy of each summons, fifteen cents; for granting an injunction, attachment, restraining order, or writ of *ne exeat*, each fifty cents; for an order of commitment in any case, fifty cents; for all services for which fees are not specifically allowed herein, the police judge shall be allowed to charge and receive the same now allowed by law; and all other fees of said judge shall be the same as allowed by law to justices of peace for like services.

§ 14. That the present officers of said town shall continue in office and perform all the duties required until their successors are elected and qualified by law.

Term of office of present officers.

§ 15. That all the acts and doings of the former and present police judges and marshals of said town of Mount Sterling, that is not in conflict with the Constitution and laws of this Commonwealth, is hereby legalized and made binding as though said police judges had been elected at the times required by the Constitution.

Acts of judge and marshal confirmed.

§ 16. That the police judge shall receive a commission from the Governor of Kentucky, which shall be given by the trustees, certifying to the Governor that he has been legally elected at the late election to fill said office.

Police judge to be commissioned.

§ 17. This act shall not be construed to repeal any portion of the acts to which this is an amendment, except those portions which conflict with this amendment.

§ 18. This act shall be in force from its passage.

Approved February 22, 1865.

CHAPTER 944.

AN ACT concerning the Harrison County Academy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all acts heretofore passed concerning the management of the Harrison County Academy be, and the same are hereby, repealed.

§ 2. That the county court of Harrison county be invested with the powers, at the regular court of claims in each year, a majority of the justices being present, to elect five (5) trustees for said academy, whose term of office shall be one year from date of election, and until their successors are duly qualified.

1865.

§ 3. That said trustees should be sober and discreet citizens of the county of Harrison, not less than twenty-one years of age, and during their term of office shall be a body-corporate, with full powers to dispose of said academy for a period not exceeding one year, and to appropriate for the benefit of said academy any money arising from the leasing of the same or which may be donated or appropriated in any way for the benefit of said academy; to select a chairman from one of their number, make what by-laws they may deem expedient for their government, three of their number constituting a quorum and having the power to act.

§ 4. That in the case of the death, removal from the county, resignation, or refusal to act of any one or more of said trustees, the judge of the Harrison county court shall have power to fill the vacancy occasioned thereby till the next annual election.

§ 5. That said trustees shall, before entering upon the duties of their office, make oath before the judge of the Harrison county court faithfully to perform the duties of their said office.

§ 6. That it shall be the duty of said trustees to keep said academy and grounds in good and comfortable repair, provide such conveniences as may be necessary and proper for the scholars and teachers, to provide a competent teacher or teachers for said academy, and to exercise such supervision over said academy as may be necessary to secure a good and efficient school; and shall report, from time to time, to said county court, any needful repairs or improvements and probable costs of the same; and shall make an annual report of the same, to be kept of record, within a time to be specified by said court, of the condition and wants of said academy and amount of unappropriated money in their hands, and shall pay over any unappropriated money to their successors, and shall, jointly and severally, be liable, by action at law, for any money which may come to their hands as trustees aforesaid, and which shall not be appropriated in good faith to the purpose above set forth or paid over to their successors.

§ 7. That on account of the present bad condition of said academy and grounds, said county court, a majority of the justices being present, shall have power to appropriate a sum of money, not exceeding \$300, for the benefit of said academy, and shall hereafter, from time to time, appropriate such sums of money as may be needful and proper for the benefit of said academy, not exceeding \$50 per annum.

§ 8. That said county court is hereby authorized, at its first session after the passage of this act, a majority of the justices being present, to elect five (5) trustees for said

academy, whose term of office shall extend to the first annual election and qualification of their successors, who shall have the same powers and duties, and subject to the same liabilities, as herein set forth.

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§ 9. This act to take effect from its passage.

Approved February 22, 1865.

CHAPTER 945.

AN ACT to amend the charter of the Town of Mount Sterling, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Mount Sterling be, and is hereby, so amended as to give to the trustees of said town power to tax annually all the property and choses in action of the citizens resident in said town, which they are required to give in for State taxation under the equalization law, not exceeding twenty-five cents upon each hundred dollars thereof.

§ 2. That the trustees of said town shall have power to require the owners of real estate in said town to repair and keep in repair the sidewalks in said town in front of or binding on their real estate in said town; and if the owner of any real estate in said town shall fail to repair the sidewalks in front of or binding on their real estate in said town for forty days after the owner or occupant of said real estate shall have been notified by the trustees to repair, refit, or relay such sidewalks, in the manner required by an order of the board of trustees of said town, then the trustees shall have power to cause said sidewalks to be made and repaired as aforesaid at their own expense, and may sue the owner of the property, whose duty it was to repair and keep the same in repair, and recover the amount so expended by them in repairing the same, and ten per centum thereon and costs of suit, in any court of competent jurisdiction; and they may have all the remedies to recover the same that any other creditor has to recover and coerce debts due him.

§ 3. This act shall take effect from its passage.

Approved February 22, 1865.

CHAPTER 947.

AN ACT for the benefit of Wm. Tinsley, late Sheriff of Knox County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Tinsley, late sheriff of the county of Knox, be, and he is hereby, authorized to return his delin-

1865.

quent list for the year 1863, to the Auditor of Public Accounts, on or before the first day of October next; and that said Auditor is hereby authorized and directed to draw his warrant on the Treasury, in favor of said Tinsley, for the amount thereof so soon as the same is certified and filed in his office, as now required by law, it appearing that said sheriff has fully paid off the amount of the revenue due from said county, and not having deducted therefrom the amount due him as per delinquent list hereby authorized to be returned.

§ 2. This act to take effect from its passage.

Approved February 22, 1865.

CHAPTER 948.

AN ACT to amend the charter of the Kentucky Coal Mining and Iron and Oil Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Kentucky Coal Mining and Iron and Oil Manufacturing Company be so amended as to allow said corporation to sink wells for petroleum upon any lands said company may own, or may lease for that purpose; and said company may sell the products of their wells in their crude state, if it be deemed the interest of said corporation to do so.

§ 2. The capital stock of said corporation may be increased to one million of dollars; and said corporation may purchase and own such facilities for the transportation of its products to market as may be deemed necessary and proper; and may establish such offices or agencies within the State as the prudential interests of the company may demand: *Provided*, That under no state of case shall the company exercise any banking privileges.

§ 3. This act to take effect from and after its passage.

Approved February 22, 1865.

CHAPTER 950.

AN ACT to amend an act, entitled "An act to authorize the county court of Boone county to execute bonds and levy a tax to raise a fund to avoid the draft for the year 1864 for said county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first of an act, entitled "An act to authorize the county court of Boone county to execute bonds and levy a tax to raise a fund to avoid the draft for the year 1864," be so amended, that it shall be the duty of the

presiding judge of said county to convene the justices of the peace in commission in said county at the county seat thereof, on or before the first Monday of April next; and it shall be the duty of said county court thus convened, a majority of the justices in commission present and concurring therein, for and in behalf of said county, to execute county bonds binding the faith and credit of said county for the payment of the same, and any interest that may accrue thereon, due and payable at any time said court may fix, not exceeding seven years, and to draw interest at a rate to be fixed by said court, not exceeding twelve per cent. per annum for the whole amount of money expended and disbursed in raising volunteers and relieving said county from draft under the call of the President of the United States for 500,000 men, as of date July, 1864.

1865.

§ 2. It shall be the duty of the county court of Boone county, and their successors in office, to levy a tax as provided in the act to which this is an amendment, to meet and liquidate the bonds and the accruing interest thereon as fast as they may fall due.

§ 3. This act to take effect from its passage.

Approved February 22, 1865

CHAPTER 951.

AN ACT for the benefit of Clem. Swearingen, Collector of Greenup County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be allowed Clem. Swearingen, collector for the county of Greenup, for collecting the State revenue for the year 1864, ten per cent. on the amount of revenue that may be collected and paid into the Treasury; and the Auditor will allow this amount in his settlement with said collector for the collection of 1864.

§ 2. The county court of Greenup county may allow said collector for collecting the county levy and special tax for said county, collected in and for the year 1864, any per cent. not exceeding ten per cent., nor less than the amount now provided by law.

§ 3. That time be allowed said collector until the first day of June, 1865, to return his delinquent list for the year 1864, and to pay into the Treasury the balance due from said county for the revenue of 1864: *Provided*, That this extension of time shall not take effect until the sureties of said collector, in his bond for the collection of the revenue, shall consent thereto in the Greenup county court, and such consent entered on the records of said court.

§ 4. This act shall take effect from its passage.

Approved February 22, 1865.

1865.

CHAPTER 952.

AN ACT to incorporate the Eastern Kentucky Petroleum and Mineral Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That John P. Winston, W. C. Culbertson, John E. Hamilton, John G. Carlisle, and their associates and successors, are hereby created a body-politic and corporate, by the name and style of "The Eastern Kentucky Petroleum and Mineral Company," and by that name said incorporation shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places, as a natural person, forever; and to have and use a common seal, and alter the same at pleasure; to make all necessary by-laws and regulations for the government of the company and the conduct of its business, not inconsistent with the constitution and laws of this State and the United States.

May hold real estate, & business of corporation.

§ 2. The said company shall have power to purchase, acquire, and hold such real estate in the State of Kentucky and elsewhere, by lease, in fee simple, or otherwise, and such mining privileges, rights of way, and other easements, as it may deem necessary or expedient for its business; and shall have power to dig, bore, mine, and in any other manner search for oil, coal, salt, and any other mineral products and deposits in the earth; to extract, take out, develop, smelt, and refine, reduce, manufacture, purchase, and prepare for market any or all of said mineral products, oils, or deposits aforesaid, and to transport or sell the same in or out of this State; to buy, erect, or construct all buildings, machinery, tools, fixtures, and personal property, deemed necessary or proper in carrying on said business, or any part thereof; to sell, convey, transfer, or assign all or any part or interest in said estate, real or personal, corporeal or incorporeal; and to exercise any necessary or proper powers to carry out the expressed powers herein granted. Said company may hold its main office within or out of this State, as the board of directors may decide is best for the interests of the company. Said company shall not have nor exercise any banking powers, but it may borrow money upon such bonds or other evidences of debt as the board of directors may direct to be executed, in such sums, and at such times, and in such places, and at such rate of interest, not exceeding ten per cent. per annum, as the board of directors may deem advisable, and they may execute mortgages upon any or all the property of the company to secure the payment of such debts, from time to time, as may be created.

No banking privileges.

§ 3. The capital stock of said company shall not exceed four millions of dollars, to be divided into shares of fifty dollars each; which shares shall be personal property, and shall be evidenced and transferred as prescribed by the by-laws of the company. The board of directors may fix the capital stock at first at a less sum than four million of dollars, and increase the same, from time to time, as they may deem expedient, but not above said sum. The said persons named in the first section of this act shall constitute the board of directors for said company for the first year after the passage of this act, and until their successors are qualified. They, or a majority of them, shall have power to open books for the subscription of stock, and prescribe, in the terms of subscriptions, the manner of payment, and the time, manner, and grounds of forfeiture of stock subscribed for and not paid in as required by call; and when not less than fifty thousand dollars are subscribed, and such portion thereof paid in as the said board of directors shall require to be paid in cash, the company may proceed to business, and the board, or a majority thereof, shall organize by electing one of their number to be president of the company. The president and directors shall have power to appoint a secretary, treasurer, and such other inferior officers as the company, from time to time, may require, fix their salaries and prescribe their duties, as well as those of the president, and the time such inferior officers shall hold their respective positions, and may require and take from all officers such bonds as may be necessary to secure a faithful discharge of their duties, and may remove such inferior officers at pleasure.

1865.

Capital stock.

First board of directors.

To open books, stock, &c.

Officers to be appointed.

§ 4. The president and directors shall provide, by the by-laws, for the annual election, by the stockholders, of a board of directors, of not less than five nor more than nine, who, when elected, in each year, shall choose one of their number as president as aforesaid, and the president and directors shall hold their offices until their successors are elected; and the board of directors, or so many thereof as may by the provisions of the by-laws constitute a quorum for business, may, from time to time, fill vacancies in the board occurring between annual elections, as shall be provided in their by-laws.

Annual elections, term of office, &c.

§ 5. Each share of stock shall entitle the holder to one vote, at the election of directors or in stockholders' meetings, for any purpose, and must be voted by the holder, in person or by virtue of a written proxy signed by the holder; and no person shall be voted for or hold the office of director, who does not, at the time, in good faith, own, in his own exclusive right, at least five shares of the capital stock of said company, paid up in full.

How stock voted.

1865.

May employ
agents.Declare divi-
dends.

§ 6. The said by-laws may provide for the appointment, employment, and payment of all necessary agents, employes, and operatives for said company.

§ 7. The said company may, from time to time, as it may deem proper, make, declare, and pay dividends or profits, and distribute its net receipts and proceeds of sales among the stockholders *pro rata*, according to the amount of stock held by each.

§ 8. This act shall be in force from and after its passage.

Approved February 22, 1865.

CHAPTER 953.

AN ACT to incorporate the Simon Kenton Petroleum and Mineral Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators'
names, and
corporate pow-
ers.

§ 1. That John P. Winston, W. C. Culbertson, John E. Hamilton, John G. Carlisle, and their associates and successors, are hereby created a body-politic and corporate, by the name and style of the "Simon Kenton Petroleum and Mineral Company;" and by that name said incorporation shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places, as a natural person, forever; and to have and use a common seal, and alter the same at pleasure; and to make all necessary by-laws and regulations for the government of the company and the conduct of its business, not inconsistent with the constitution and laws of this State and the United States.

May hold real
estate, & busi-
ness of corpora-
tion.

§ 2. The said company shall have power to purchase, acquire, and hold such real estate in the State of Kentucky, and elsewhere, by lease, in fee simple, or otherwise, and such mining privileges, rights of way, and other easements, as it may deem necessary or expedient for its business; and shall have power to dig, bore, mine, and in any other manner search for oil, coal, salt, and any other mineral products and deposits in the earth; to extract, take out, develop, smelt, and refine, reduce, manufacture, purchase, and prepare for market, any or all of said mineral products, oils, or deposits aforesaid, and to transport or sell the same, in or out of this State; to buy, erect, or construct all buildings, machinery, tools, fixtures, and personal property deemed necessary or proper in carrying on said business or any part thereof; to sell, convey, transfer, or assign all or any part, or interest in said estate, real or personal, corporeal or incorporeal, and to exercise and necessary or proper powers to carry out the expressed powers herein granted; said company may hold its main

office within or out of this State, as the board of directors may decide is best for the interests of the company. Said company shall not have nor exercise any banking powers, but it may borrow money upon such bonds or other evidences of debt as the board of directors may direct to be executed, in such sums, and at such times, and in such places, and at such rate of interest, not exceeding ten per cent. per annum, as the board of directors may deem advisable; and they may execute mortgages upon any or all the property of the company to secure the payment of such debts, from time to time, as may be created.

1865.
No banking
powers.

§ 3. The capital stock of said company shall not exceed four millions of dollars, to be divided into shares of fifty dollars each, which shares shall be personal property, and shall be evidenced and transferred as prescribed by the by-laws of the company; the board of directors may fix the capital stock at first at a less sum than four million of dollars, and increase the same from time to time as they may deem expedient, but not above said sum; the said persons named in the first section of this act shall constitute the board of directors for said company for the first year after the passage of this act, and until their successors are qualified; they, or a majority of them, shall have power to open books for the subscription of stock, and prescribe in the terms of subscription the manner of payment, and the time, manner, and grounds of forfeiture of stock subscribed for and not paid in as required by call; and when not less than fifty thousand dollars are subscribed, and such portion thereof paid in as the said board of directors shall require to be paid in cash, the company may proceed to business, and the board, or a majority thereof, shall organize by electing one of their number to be president of the company; the president and directors shall have power to appoint a secretary, treasurer, and such other inferior officers as the company, from time to time, may require; fix their salaries and prescribe their duties, as well as those of the president, and the time such inferior officers shall hold their respective positions, and may require and take from all officers such bonds as may be necessary to secure a faithful discharge of their duties, and may remove such inferior officers at pleasure.

Capital stock.

First board of
directors.

To open books,
stock, &c.

Officers to be
appointed.

§ 4. The president and directors shall provide by the by-laws for the annual election by the stockholders of a board of directors of not less than five nor more than nine, who, when elected in each year, shall choose one of their number as president as aforesaid; and the president and directors shall hold their offices until their successors are elected; and the board of directors, or so many thereof as may by the provisions of the by-laws constitute a quorum for business, may, from time to time, fill vacancies in the board

Annual elec-
tions, term of
office, &c.

1865.

occurring between annual elections, as shall be provided in their by-laws.

How stock
voted.

§ 5. Each share of stock shall entitle the holder to one vote at the election of directors, or in stockholders' meetings, for any purpose, and must be voted by the holder in person or by virtue of a written proxy signed by the holder; and no person shall be voted for or hold the office of director who does not at the time, in good faith; own in his own exclusive right at least five shares of the capital stock of said company paid up in full.

May employ
agents.

§ 6. The said by-laws may provide for the appointment, employment, and payment of all necessary agents, employes, and operatives for said company.

Declare divi-
dends.

§ 7. The said company may, from time to time, as it may deem proper, make, declare, and pay dividends or profits, and distribute its net receipts and proceeds of sales among the stockholders *pro rata* according to the amount of stock held by each.

§ 8. This act shall be in force from and after its passage.

Approved February 22, 1865.

CHAPTER 954.

AN ACT to incorporate the Washington Petroleum and Mineral Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That John P. Winston, W. C. Culbertson, John E. Hamilton, John G. Carlisle, and their associates and successors, are hereby created a body-politic and corporate, by the name and style of "The Washington Petroleum and Mineral Company," and by that name said incorporation shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places, as a natural person, forever; and to have and use a common seal, and alter the same at pleasure; and to make all necessary by-laws and regulations for the government of the company and the conduct of its business, not inconsistent with the Constitution and laws of this State and the United States.

May hold real
estate, & busi-
ness of corpora-
tion.

§ 2. The said company shall have power to purchase, acquire, and hold such real estate, in the State of Kentucky and elsewhere, by lease, in fee simple or otherwise, and such mining privileges, rights of way, and other easements, as it may deem necessary and expedient for its business; and shall have power to dig, bore, mine, and in any other manner search for oil, coal, salt, and any other mineral products and deposits in the earth; to extract, take out, develop, smelt and refine, reduce, manufacture, purchase, and prepare for market, any or all of said mineral pro-

1865.

ducts, oils, or deposits aforesaid, and to transport or sell the same in or out of this State; to buy, erect, or construct all buildings, machinery, tools, fixtures, and personal property deemed necessary or proper in carrying on said business or any part thereof; to sell, convey, transfer, or assign all or any part or interest in said estate, real or personal, corporeal or incorporeal, and to exercise any necessary or proper powers to carry out the expressed powers herein granted. Said company may hold its main office within or out of this State, as the board of directors may decide is best for the interests of the company. Said company shall not have nor exercise any banking powers, but it may borrow money upon such bonds or other evidences of debt as the board of directors may direct to be executed, in such sums and at such times and in such places and at such rate of interest, not exceeding ten per cent. per annum, as the board of directors may deem advisable; and they may execute mortgages upon any or all the property of the company to secure the payment of such debts, from time to time, as may be created.

No banking powers.

§ 3. The capital stock of said company shall not exceed four millions of dollars, to be divided into shares of fifty dollars each, which shares shall be personal property, and shall be evidenced and transferred as prescribed by the by-laws of the company. The board of directors may fix the capital stock at first at a less sum than four million of dollars, and increase the same from time to time as they may deem expedient, but not above said sum. The said persons named in the first section of this act shall constitute the board of directors for said company for the first year after the passage of this act, and until their successors are qualified; they, or a majority of them, shall have power to open books for the subscription of stock, and prescribe, in the terms of subscriptions, the manner of payment, and the time, manner, and grounds of forfeiture of stock, subscribed for and not paid in as required by call; and when not less than fifty thousand dollars are subscribed, and such portion thereof paid in as the said board of directors shall require to be paid in cash, the company may proceed to business, and the board, or a majority thereof, shall organize by electing one of their number to be president of the company; the president and directors shall have power to appoint a secretary, treasurer, and such other inferior officers as the company, from time to time, may require, fix their salaries, and prescribe their duties, as well as those of the president, and the time such inferior officers shall hold their respective positions; and may require and take from all officers such bonds as may be necessary to secure a faithful discharge of their duties, and may remove such inferior officers at pleasure.

Capital stock.

First board of directors.

To open books, stock, &c.

Officers to be appointed.

1865.

Annual elec-
tions. term of
office, &c.

§ 4. The president and directors shall provide by the by-laws for the annual election, by the stockholders, of a board of directors, of not less than five nor more than nine, who, when elected, in each year, shall choose one of their number as president as aforesaid; and the president and directors shall hold their offices until their successors are elected; and the board of directors, or so many thereof as may, by the provisions of the by-laws, constitute a quorum for business, may, from time to time, fill vacancies in the board occurring between annual elections, as shall be provided in their by-laws.

How stock
voted.

§ 5. Each share of stock shall entitle the holder to one vote at the election of directors, or in stockholder's meetings for any purpose, and must be voted by the holder in person or by virtue of a written proxy, signed by the holder; and no person shall be voted for, or hold the office of director, who does not at the time, in good faith, own in his own exclusive right at least five shares of the capital stock of said company, paid up in full.

May employ
agents.

§ 6. The said by-laws may provide for the appointment, employment, and payment of all necessary agents, employes, and operatives for said company.

Declare divi-
dends.

§ 7. The said company may, from time to time, as it may deem proper, make, declare, and pay dividends or profits and distribute its net receipts and proceeds of sales among the stockholders *pro rata*, according to the amount of stock held by each.

§ 8. This act shall be in force from and after its passage.

Approved February 22, 1865.

CHAPTER 956.

AN ACT to incorporate the Western Petroleum and Mineral Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That John P. Winston, W. C. Culbertson, John E. Hamilton, John G. Carlisle, and their associates and successors, are hereby created a body-politic and corporate, by the name and style of "The Western Petroleum and Mineral Company;" and by that name said incorporation shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places, as a natural person, forever; and to have and use a common seal, and alter the same at pleasure; and to make all necessary by-laws and regulations for the government of the company and the conduct of its business, not inconsistent with the constitution and laws of this State and the United States.

§ 2. The said company shall have power to purchase, acquire, and hold such real estate in the State of Kentucky and elsewhere by lease, in fee simple, or otherwise, and such mining privileges, rights of way, and other easements, as it may deem necessary or expedient for its business; and shall have power to dig, bore, mine, and in any other manner search for oil, coal, salt, and any other mineral products and deposits in the earth; to extract, take out, develop, smelt and refine, reduce, manufacture, purchase, and prepare for market, any or all of said mineral products, oils, or deposits aforesaid, and to transport or sell the same in or out of this State; to buy, erect, or construct all buildings, machinery, tools, fixtures, and personal property deemed necessary or proper in carrying on said business or any part thereof; to sell, convey, transfer, or assign all or any part or interest in said estate, real or personal, corporeal or incorporeal, and to exercise any necessary or proper powers, to carry out the expressed powers herein granted; said company may hold its main office within or out of this State, as the board of directors may decide is best for the interests of the company; said company shall not have nor exercise any banking powers, but it may borrow money upon such bonds or other evidences of debt as the board of directors may direct, to be executed in such sums, and at such times, and in such places, and at such rate of interest, not exceeding ten per cent. per annum, as the board of directors may deem advisable; and they may execute mortgages upon any or all the property of the company to secure the payment of such debts, from time to time, as may be created.

1865.

May hold real estate, & business of corporation.

No banking powers.

§ 3. The capital stock of said company shall not exceed four millions of dollars, to be divided into shares of fifty dollars each, which shares shall be personal property, and shall be evidenced and transferred as prescribed by the by-laws of the company; the board of directors may fix the capital stock at first at a less sum than four millions of dollars, and increase the same from time to time as they may deem expedient, but not above said sum. The said persons named in the first section of this act shall constitute the board of directors for said company for the first year after the passage of this act, and until their successors are qualified; they, or a majority of them, shall have power to open books for the subscription of stock, and prescribe in the terms of subscriptions the manner of payment, and the time, manner, and grounds of forfeiture of stock subscribed for and not paid in as required by call; and when not less than fifty thousand dollars are subscribed and such portion thereof paid in as the said board of directors shall require to be paid in cash, the company may proceed to business, and the board, or a majority

Capital stock.

First board of directors.

To open books, stock, &c.

1865.

Officers to be
appointed.

thereof, shall organize by electing one of their number to be president of the company. The president and directors shall have power to appoint a secretary, treasurer, and such other inferior officers as the company, from time to time, may require, fix their salaries and prescribe their duties as well as those of the president, and the time such inferior officers shall hold their respective positions; and may require and take from all officers such bonds as may be necessary to secure a faithful discharge of their duties, and may remove such inferior officers at pleasure.

Annual elec-
tions, term of
office, &c.

§ 4. The president and directors shall provide by the by-laws for the annual election by the stockholders of a board of directors of not less than five nor more than nine, who, when elected, in each year, shall choose one of their number as president as aforesaid; and the president and directors shall hold their office until their successors are elected; and the board of directors, or so many thereof as may, by the provisions of the by-laws, constitute a quorum for business, may, from time to time, fill vacancies in the board occurring between annual elections, as shall be provided in their by-laws.

How stock
voted.

§ 5. Each share of stock shall entitle the holder to one vote at the election of directors or in stockholders' meetings, for any purpose, and must be voted by the holder in person or by virtue of a written proxy signed by the holder; and no person shall be voted for, or hold the office of director, who does not at the time, in good faith, own in his own exclusive right at least five shares of the capital stock of said company paid up in full.

May employ
agents.

§ 6. The said by-laws may provide for the appointment, employment, and payment of all necessary agents, employes, and operatives for said company.

Declare divi-
dends.

§ 7. The said company may, from time to time, as it may deem proper, make, declare, and pay dividends or profits, and distribute its net receipts and proceeds of sales among the stockholders *pro rata* according to the amount of stock held by each.

§ 8. This act shall take effect from its passage.

Approved February 22, 1865.

CHAPTER 957.

AN ACT to incorporate the Proctor Petroleum, Oil, and Mining Company, of Edmonson and Butler Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That John T. Fleming, Larkin J. Proctor, James Walker, jr., V. H. Jones, and Robert W. Bush, are created a corporation or body-politic, to be denominated "The

Proctor Petroleum, Oil, and Mining Company, of Edmonson and Butler Counties," for the purpose of boring petroleum or salt wells, mining for coal, trading in or shipping the same to domestic or foreign ports. Wherever the body shall acquire lands for said purpose, they and their associates and successors shall continue and have succession for an indefinite period, and by their name and style are hereby made as capable in law as individual citizens to contract and be contracted with; to sue and be sued; to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; also the power to purchase or lease and own real estate suitable for mining coal; to borrow money for the benefit of said company, not to exceed one third the estimated value of the realty proposed to be hypothecated, but not to have the power of loaning money or issuing bills or notes upon banking principles; also, after the company is organized, the power to ordain and establish such by-laws, ordinances, and regulations as shall be necessary for the well-being and government of said corporation, not contrary to the laws of this State or the United States.

1865.

May hold real estate, &c.

§ 2. That the capital stock be one hundred thousand dollars, divided into shares of one hundred dollars each. Capital stock.

§ 3. That the company shall, by common consent of its president and directors, when organized, regulate the proportion of stock which may be issued to each member on application, and authorize any of its officers or stockholders to sell stock to companies or individuals, the proportion of stock so to be disposed of to be determined by said president and directors. How stock to be issued.

§ 4. That the corporation shall hold a meeting for the election of president, vice president, secretary, and treasurer, these officers to constitute a board of directors, and to hold their offices for one year; at which time, and every year thereafter, an election for said officers shall be held, and every stockholder to have timely notice of the place, and to be entitled to one vote for every share he may own; any stockholder not present at such election may vote by proxy. Officers to be elected.

§ 5. That the treasurer is at all times authorized to deposit money belonging to the corporation in any good and solvent bank in Kentucky at the risk of the corporation and stockholders. Term of office elections, &c.

§ 6. This act to take effect from its passage.

§ 7. The Legislature reserves the right to alter, amend, or repeal this charter at pleasure. Money may be deposited in solvent bank.

Approved February 22, 1865.

1865.

CHAPTER 958.

AN ACT to incorporate the Eastern Kentucky Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That B. B. Groom, John M. Riffe, Hugh L. Ray, Allen N. Bush, J. N. B. Hardwick, James Flanigan, Green B. Farney, all of Clarke county, Kentucky, and their successors and assigns, are hereby created a body-politic and corporate, by the name of "The Eastern Kentucky Oil Company," and by that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, answer and defend, in all courts and places, as a natural person; to have and use a common seal, and alter the same at pleasure; and to make all necessary by-laws and regulations for the government of the company and the conduct of its business, not inconsistent with the constitution and laws of this Commonwealth.

May hold real estate, & business of corporation.

§ 2. The said company shall have power to purchase and hold such estate in Kentucky and elsewhere, by lease, in fee or otherwise, and such mining privileges, rights of way, and other easements, as it may deem necessary or expedient for its business; and shall have power to dig, bore, mine, and search for oil, coal, salt, and other minerals, products and deposits in the earth; to extract, take out, develop, smelt, and refine, reduce, manufacture, and prepare for market, any or all of said minerals, products, or deposits, and to transport or sell the same in or out of this State; to levy, erect, or construct all machinery, tools, fixtures, and personal property deemed necessary or proper in carrying on said business, or any part thereof; to sell, convey, transfer, or assign all or any part or interest in said estate, real or personal, corporeal or incorporeal; and to exercise any necessary or proper powers to carry out the expressed powers herein granted; that nothing herein contained shall be construed as granting to the said company any banking powers.

Capital stock.

§ 3. The capital stock of said company shall not exceed one million of dollars, to be divided in shares of fifty dollars each; which shares shall be personal property, and shall be evidenced and transferable as prescribed by the by-laws of the company; and the said persons, named in the first section of this act shall constitute the board of directors for said company for the first year after the passage of this act, and until their successors are qualified. They, or a majority of them, shall have power to open books for the subscription of stock, and prescribe, in the terms of subscription, the manner of payment and the grounds of forfeiture of stock subscribed for and not paid in as required; and when not less than fifty thousand dollars are subscribed, and such portion thereof paid in, as the said board

First board of directors.

To open books, stock, &c.

When to commence business

of directors shall require to be paid in cash, the company may proceed to business; and the board, or a majority thereof, shall organize by electing one of their number to be president of the company, and to preside at meetings of the board.

1865.

§ 4. The president and directors shall provide, by the by-laws, for the annual election by the stockholders of a board of not less than five nor more than nine directors, who, when elected in each year, shall choose one of their number as president as aforesaid; and the president and directors shall hold their offices until their successors are elected; and the board of directors, or so many thereof as may by the provisions of the by-laws constitute a quorum for business, may, from time to time, fill vacancies in the board occurring between annual elections, as shall be provided in the by-laws.

Annual elections, term of office, &c.

§ 5. Each share of stock shall entitle the holder to one vote at the elections of directors or in stockholders' meetings, and must be voted by the holder in person or by virtue of a written proxy signed by the holder; and no person shall be voted for or hold the office of director who does not own at least five shares of the said capital stock.

How stock voted.

§ 6. The said by-laws may provide for the appointment, employment, and payment of all necessary secretaries, treasurers, cashiers, and other agents, employes, and operatives, and for requiring bond and security of such of its officers, and in such amount and penalty, as it may deem proper, the better to secure the faithful discharge of their duties.

Officers to be employed.

§ 7. And the said company may, from time to time, as it may deem proper, make, declare, and pay dividends or profits and distribute its net receipts and the proceeds of sales amongst the stockholders *pro rata* according to the amount of stock held by each.

Declare dividends.

§ 8. This act shall be in force from and after its passage.

Approved February 22, 1865.

CHAPTER 959.

AN ACT to incorporate the Northern Kentucky Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry D. McHenry, Earl S. Goodrich, John R. Thomas, Beriah Magoffin, and their associates and successors, be, and they are hereby, created a body-politic and corporate, by the name of the "Northern Kentucky Oil and Mining Company," with all the powers and authority incident to corporators and corporations, for the purposes hereinafter mentioned, and with all the general

Corporators' names, and corporate powers.

1865.

and special powers and privileges which have been and may be granted by this General Assembly to similar corporations.

May hold lands.

§ 2. The corporation is hereby authorized and empowered to purchase, sell, hold, and dispose of lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to manufacture, refine, and vend the same.

Capital stock.

§ 3. The capital stock of the Northern Kentucky Oil and Mining Company shall be divided into shares of not less than five nor more than one hundred dollars each; which shares may be issued and transferred in such manner and upon such conditions as the board of such corporation may direct; and the liability of shareholders shall extend to and be limited by the amount of stock held by them respectively. The said corporation shall not own in fee simple lands exceeding in cost a capital of two millions of dollars.

Who to manage affairs of corporation.

First board of directors, term of office, &c.

§ 4. The affairs of the said corporation shall be managed by five or more directors, one of whom shall be president, and all of whom shall be stockholders in said corporation; the first board of directors shall consist of Henry D. McHenry, Earl S. Goodrich, Beriah Magoffin, and John R. Thomas, who may choose a fifth, and who shall continue in office for one year, or until their successors are elected by a majority in interest of the stockholders of said corporation; and the directors thus elected, and their successors in perpetual succession, shall continue in office for one year, and until their successors, respectively, are elected, and enter upon their duties. If any of the above named directors shall decline or refuse to act, a majority of those remaining shall have power to fill such vacancy; they may adopt such rules for the government and management of the corporation and its affairs as they may deem proper, not inconsistent with the constitution and laws of the State and United States. The said corporators, or any of them, may open books for and receive subscriptions to the capital stock of said company, at such times and places, and upon such notice thereof, as any three of said corporators and their associates may determine.

Vacancies. Regulations.

May open books.

May make and use common seal.

§ 5. The board of directors of said corporation may adopt and use a common seal; may fill all vacancies occasioned by death, resignation, or otherwise; may make such calls for the payment of stock, with conditions of forfeiture, as they may deem proper, not to exceed twenty per cent. for every thirty days; may open and keep an office or offices at such place or places as the interests of the corporation and the public shall require; may appoint a president, secretary, treasurer, superintendent, and such other officers as they may deem necessary, with such com-

pensation for services as they may determine; and regulate the mode of keeping their records and accounts to insure a just and clear administration and exhibit of their affairs.

1865.

§ 6. Nothing contained in this charter shall be construed as conferring banking privileges upon the corporation.

No banking privileges.

§ 7. This act shall take effect and be in force from and after its passage.

Approved February 22, 1865

CHAPTER 960.

AN ACT to incorporate the Southern Kentucky Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry D. McHenry, Earl S. Goodrich, Beriah Magoffin, John R. Thomas, and their associates and successors, be, and they are hereby, created a body corporate and politic, by the name of the "Southern Kentucky Oil and Mining Company," with all the powers and authority incident to corporators and corporations, for the purposes hereinafter mentioned, and with all the general and special powers and privileges which have been and may be granted by this General Assembly to similar corporations.

Corporators' names, and corporate powers.

§ 2. The corporation is hereby authorized and empowered to purchase, sell, hold, and dispose of lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to manufacture, refine, and vend the same.

May hold lands

§ 3. The capital stock of the Southern Kentucky Oil and Mining Company shall not exceed two millions dollars; and shall be divided into shares of not less than five nor more than one hundred dollars each, which shares may be issued and transferred in such manner and upon such conditions as the board of such corporation may direct; and the liability of shareholders shall extend to, and be limited by, the amount of stock held by them respectively.

Capital stock.]

§ 4. The affairs of the said corporation shall be managed by five or more directors, one of whom shall be president, and all of whom shall be stockholders in said corporation. The first board of directors shall consist of Beriah Magoffin, John R. Thomas, Henry D. McHenry, and Earl S. Goodrich, who shall continue in office for one year, or until their successors are elected by a majority in interest of the stockholders of said corporation; and the directors thus elected, and their successors, shall continue in office for one year, and until their successors are elected and enter upon their duties. If any of the above named directors shall decline or refuse to act, a majority of those remaining shall have power to fill such vacancy. They may adopt such

Who to manage affairs of corporation.

First board of directors, term of office, &c.

Vacancies.

1865.

May open
books.

by-laws and rules for the government of the corporation and management of its affairs as they may deem proper, not inconsistent with the constitution and laws of the State and of the United States. The said corporators, or any of them, may open books for, and receive subscriptions to, the capital stock of said company hereby incorporated, at such times and places, and upon such notice thereof, as any three of said incorporators may determine.

Not to own prop-
erty exceed-
ing the capital
stock.

§ 5. The said Southern Kentucky Oil and Mining Company shall not own lands in fee simple exceeding in value the capital stock of the company. The board of directors of said corporation may fill all vacancies occasioned by death, resignation, or otherwise; may make such calls for payment of stock as they deem proper, not to exceed twenty per cent. every thirty days; may keep their office or offices at such place or places as the interests of the corporation may require; may appoint a president, secretary, treasurer, superintendent, and such other officers as they may deem necessary, with such compensation for services as they may determine; and regulate and fix the mode of keeping their records and accounts to insure a just administration and exhibit of their affairs.

Calls on stock.

Officers to be
appointed.No banking
powers.

§ 6. Nothing contained in this charter shall be construed as conferring banking privileges upon the corporation.

§ 7. This act shall take effect from and after its passage.

Approved February 22, 1865.

CHAPTER 961.

AN ACT to incorporate the Buena Vista Oil and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That W. C. Hite, L. M. Flournoy, and H. D. McHenry, their associates, successors, and assigns, be, and they are hereby, created a body corporate, by the name, style, and title of the "Buena Vista Oil and Manufacturing Company," and by that name are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and proper for the conducting and government of said corporation, not inconsistent with the constitution and laws of this State or the United States.

Capital stock.

§ 2. The capital stock of said company shall be one million dollars, to be divided into shares of fifty dollars each; said company may, however, commence operations

1865.

as soon as twenty-five thousand dollars of said capital stock is subscribed, and ten thousand dollars thereof paid in; and the remaining portion of said stock may be issued and sold by the board of directors of said company at such times as to them may seem best.

§ 3. The said company shall have power to purchase, negotiate for, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, zinc, and other minerals, and in the manufacture of the same, and other products of land now owned by them, or which may be hereafter owned or leased by them; to purchase, build, and own boats, and other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transactions; to hold such mining rights and rights of way and real estate as they may deem necessary for a successful prosecution of their business; and the same, or any part thereof, to sell, or otherwise dispose of, as the interest of said company may require.

May hold real estate.

Business of corporation.

§ 4. For conducting the affairs of said company a board of not less than three nor more than five directors of said company shall be chosen; said board shall choose one of its members, who shall be president of said company; and said board shall serve for one year, or until their successors are elected and qualified. The president and directors shall have power to appoint all other officers, agents, and servants, and remove them at pleasure. In all elections each share shall entitle the holder to one vote, and stockholders may vote by proxy; the stock of said company shall be deemed personal estate.

Who to manage business.

President, term of office, &c.

How stock voted.

§ 5. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure: *Provided, however,* That the stock at no time shall exceed the maximum amount herein named.

May open books.

§ 6. That it shall be lawful for the president and directors of said company, from time to time, to borrow or obtain on loans such sums of money and on such terms as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estate, improvements, privileges, effects, and assets of said company for the repayment of such sums of money so borrowed, at such times as may be agreed on.

May borrow money.

§ 7. In the event of failure of any stockholder to pay up his stock as called for by order of the board, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

Stock may be forfeited.

§ 8. Said company shall have, possess, and enjoy all the rights, privileges, and immunities conferred by law in this

Privileges.

1865.

State upon any other petroleum and manufacturing company chartered for similar purposes.

§ 9. This act to take effect from its passage.

Approved February 22, 1865.

CHAPTER 962.

AN ACT to incorporate the Morgan Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That John Fox, John W. Van Hook, William Fitch, J. F. Boyle, and L. M. Flournoy, their associates, successors and assigns, be, and they are hereby, created a body-corporate, by the name, style, and title of "The Morgan Oil and Mining Company," and by that name are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and proper for the conducting and government of said corporation, not inconsistent with the Constitution and laws of this State or the United States.

Capital stock.

§ 2. The capital stock of said company shall be two millions of dollars, to be divided into shares of one hundred dollars each. Said company may, however, commence operations as soon as twenty-five thousand dollars of said capital stock is subscribed, and ten thousand dollars thereof paid in, and the remaining portion of said stock may be issued and sold by the board of directors of said company at such times as to them may seem best.

May hold real estate.

Business of corporation.

§ 3. That said company shall have power to purchase, negotiate for, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water; coal, iron, lead, zine, and other minerals, and in the manufacture of the same, and other products of land now owned by them or which may be hereafter owned or leased by them; to purchase, build, and own boats and other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transactions; to hold such mining rights and rights of way and real estate as they may deem necessary for a successful prosecution of their business, and the same, or any part thereof, may sell, or otherwise dispose of, as the interest of said company may require.

Who to manage affairs of corporation.

§ 4. For conducting the affairs of said company, a board of not less than three nor more than five directors of said company shall be chosen; said board shall choose one of

its members, who shall be president of said company, and said board shall serve for one year or until their successors are elected and qualified. The president and directors shall have power to appoint all other officers, agents, and servants, and remove them at pleasure. In all elections each share shall entitle the holder to one vote, and stockholders may vote by proxy. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure. The stock shall be deemed personal estate.

1865.

Officers to be appointed.

How stock voted.

May open books.

§ 5. That it shall be lawful for the president and directors of said company, from time to time, to borrow or to obtain on loans such sums of money and on such terms as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estate, improvements, privileges, effects, and assets of said company, for the repayment of such sums of money so borrowed, at such times as may be agreed on.

May borrow money.

§ 6. In the event of failure of any stockholder to pay up his stock, as called for by order of the board, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

Stock may be forfeited.

§ 7. Said company shall have, possess, and enjoy all the rights, privileges, and immunities conferred by law in this State upon any other petroleum and manufacturing company chartered for similar purposes.

Privileges.

§ 8. This act to take effect and be in force from and after its passage.

Approved February 22, 1865.

CHAPTER 963.

AN ACT to incorporate the Eureka Petroleum, Mining, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George W. Williams, John A. Prall, and B. F. Williams, and their successors and assigns, are hereby incorporated as a body-politic and corporate, under the name and style of the Eureka Petroleum, Mining, and Manufacturing Company, and under that name shall have perpetual succession; may sue and be sued, plead and be impleaded; may have a common seal, and alter the same at pleasure; may acquire and hold real estate, or any interest therein, in any part of Kentucky, by purchase or lease, and sell and convey the same; may bore for oil or salt, or mine for coal or iron, or any other substance or mineral within the earth or upon its surface; may refine.

Corporators' names, and corporate powers.

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or smelt the same, or otherwise prepare the same for market; may convert timber into lumber; may acquire and hold such machinery and other personal property as may be necessary and suitable in their said business, and may sell the same or any other products of their business; and may do such other things as may be incidental to their said business; but said corporation shall have no banking privileges or powers whatever.

Directors.

§ 2. The corporators above named shall be the directors of said company until their successors are chosen.

May make by-laws.

§ 3. Said company shall have power to adopt such by-laws as in their judgment may be necessary to provide for the management of their business: *Provided*, The same shall not be in conflict with this act or with the constitution and laws of the United States or of Kentucky; and

Capital stock.

may provide therein the amount of its capital stock, which shall not exceed five hundred thousand dollars, the shares into which the same shall be divided, and the manner in which the same shall be sold and subsequently transferred.

Elections, when and how held.

They may prescribe therein the time of the election of officers, of which notice shall be given by at least three insertions in some newspaper published in Kentucky, and at which each stockholder shall have a vote for each share of his stock, to be cast in person or by written proxy.

Officers—their duties, &c.

They may direct what officers shall be elected at said election, the respective terms of office and duties of each; and before such election takes place may create such agencies as may, in their judgment, be necessary in carrying on their business, and prescribe the duties, authority, and official designation of each.

§ 4. This act shall take effect from and after its passage.

Approved February 22, 1865.

CHAPTER 964.

AN ACT to incorporate the Excelsior Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That T. G. Gaylord, Wm. H. Lape, and James R. Challen, their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, to be known as the "Excelsior Petroleum Company," and by that name shall be competent to contract and be contracted with, to sue and be sued, and to be defended as a natural person; to have and to hold real and personal estate within and without the limits of the State of Kentucky; to have and to use a seal of their own device, and to change and renew the same; to make by-laws; to transact all legitimate business as a mining, refining, trading,

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and manufacturing company; and to do any and every thing that a body-corporate might or should do in Greenup county or elsewhere in the State of Kentucky or without the limits of the State: *Provided*, Said company shall not have or exercise any banking or lottery privileges: *And provided further*, Its by-laws and acts shall in nowise be contrary to the constitution and laws of the State of Kentucky or the United States.

§ 2. That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same as may be necessary or expedient; and the shares shall be one hundred dollars each, to be subscribed and paid for by individuals, companies, and corporations.

Capital stock.:

§ 3. That when said incorporators shall subscribe or receive subscriptions for twenty thousand dollars of said capital stock, they shall order an election of directors of said company, and publish said order not less than ten days in one or more newspapers of general circulation in the State of Kentucky.

When to elect directors.

§ 4. That the officers of said company shall consist of five directors, to be elected by the stockholders as soon as the requisite capital is subscribed as provided in section 3 of this act, and annually thereafter with like publication. Every stockholder shall have one vote for each director for each share of stock held by him, in person or by proxy, and a plurality of the votes cast shall constitute an election. The directors shall meet after their election and choose a president, a secretary, and a treasurer. In case of the resignation, death, or other disability of any director or officer, those remaining shall have power to act, or they may fill the vacancy until an ensuing annual election, and until such organization, the directors of the previous year shall continue and have power to act. If, from any cause, an annual election shall not occur at the time herein appointed, the directors may, by ten days' publication, order another election; they continuing to act until their successors are elected and organized.

Officers—their powers and duties.

§ 5. That the directors shall manage all the affairs and make all by-laws and regulations for said company, and shall keep a record of their proceedings and books of account of all their business transactions, which shall be open to the inspection of any stockholder. A majority of the directors shall constitute a quorum, and they may select one or more of their number or of their officers to act for all of them.

§ 6. This act shall take effect from and after its passage.

Approved February 22, 1865.

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CHAPTER 965.

AN ACT to authorize the County Court of Jefferson County to borrow money to aid enlistments and provide substitutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Jefferson county, a majority of all the justices of the peace in commission outside of the city of Louisville concurring, may borrow on the faith and credit of said county of Jefferson, outside of the limits of the city of Louisville, a sum of money not exceeding seventy-five thousand dollars, at a rate of interest not exceeding six per centum per annum; and said court may make and adopt, and by the presiding judge of said court execute, note or notes, bond or bonds, for said loan, in such form and sums, with coupons thereto attached, as may by a majority of said justices be agreed on; and said loan may be for any time not more than twenty years, and not less than two years; and the principal and interest may be paid or redeemed at such time or times, and in such place or places and manner, as may be agreed upon by a majority of said justices; and they may agree to pay the interest or coupons aforesaid semi-annually, or every three months. The money may be borrowed of any person or persons, or corporation or corporations, by said court, and shall be a fund which shall be applied by the directors and order of a majority of said justices in commission, under such rules and regulations as shall be by them, in open court, adopted towards promoting enlistments in the army of the United States to aid in relieving the citizens of Jefferson county, outside of the limits of said city, from the draft ordered by the United States government, or to aid in procuring substitutes for citizens of Jefferson who may be hereafter actually drafted under the present draft, or any subsequent draft ordered by the United States government; but no part of said fund shall be used to relieve any person from said drafts who is not a bona fide resident and citizen of Jefferson county, outside of the boundary of the said city of Louisville.

§ 2. That said majority of justices shall, at the time they make an order to borrow said sum of money, levy an ad valorem tax not exceeding five cents on the hundred dollars of the assessed value of the real estate within said county, outside of the limits of said city, subject to taxation for the year 1865; and shall at the same time levy a *per capita* tax of not exceeding five dollars on each white male *bona fide* citizen and resident of said county outside of the limits of said city, between the ages of twenty and forty-five, and cause the same to be collected by the sheriff of said county; and said taxes shall be annually assessed,

1865.

levied, and collected, as the State revenue tax is collected, until the interest and principal of said loan and the costs of collecting the taxes aforesaid shall be fully paid and satisfied, and the said loan shall be a lien on said taxes until the same is satisfied.

§ 3. That said taxes shall be listed with the sheriff of said county for collection, and he and his securities on his official bond shall be responsible and liable for the same, in like manner and like penalties as they are liable and bound for the county levy of said county, and said liability may be enforced in like manner as for the said levy; and said justices may require of said sheriff an additional bond, with good surety, to account for and pay over said taxes as directed and required by said majority of justices; and they may allow to said sheriff reasonable compensation for the collection and payment of said taxes.

§ 4. That said majority of justices may adopt rules and regulations for the application of said fund for and towards the objects aforesaid, and they may direct the disbursement of said fund for said objects; but said taxes, as collected, shall be deposited by said sheriff in some solvent bank, in the city of Louisville, to the credit of Jefferson county court, and said fund drawn from said bank as directed by a majority of said justices residing outside of the limits of Louisville; and said sheriff shall account for and settle his collection of said taxes annually, by or before the first Monday in November, and shall, every two months from the time of receiving the said taxes for collection, report to the presiding judge of said court the amount of said taxes collected by said sheriff and his deputies; and said judge may, at any time, require said sheriff to make to him a true exhibit of the state of the collection of said tax.

§ 5. That said majority of justices may, from time to time, make, order, and adopt such rules and regulations as shall be necessary and proper for the security and safety of said fund, and to carry into full force and effect the provisions of this act in the application of said fund, and may enforce the same by adequate fines as in cases of contempt.

§ 6. That no person who has served two years in the army of the United States during the present rebellion, or who is not subject to military duty, shall be liable to said *per capita* tax.

§ 7. That said majority of justices may adopt rules and regulations to obtain subscriptions or voluntary donations in aid of said fund, and may control the same as shall be proper and necessary to secure the proper application of such donations.

§ 8. The justices of the peace and presiding judge of said court who reside within the limits of said city shall not

1865.

vote on any question arising under this act; and all of the justices residing within Jefferson county outside of said city limits, if found, shall have notice of the meeting of said justices to order said loan and levy said taxes as herein authorized; and on the adoption of all the orders of court and resolutions proper and necessary under the provisions hereof, shall be by yeas and nays entered on the record of said court.

§ 9. This act shall take effect from its passage.

Approved February 22, 1865.

CHAPTER 967.

AN ACT for the benefit of the Sheriff of Fleming County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ben. Botts, sheriff of Fleming county, be, and is hereby, allowed the further time of two years, from and after the passage of this act, to collect his unpaid fees, State revenue, and county levies for the years 1861 and 1862, to distrain for the same, subject to all the penalties now imposed by existing laws.

§ 2. That this act shall take effect from its passage.

Approved February 22, 1865.

CHAPTER 969.

AN ACT for the benefit of the Maysville, Flemingsburg, and Mt. Sterling Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act, entitled "An act in relation to turnpike roads in this Commonwealth," approved February 22, 1864, be, and the same is hereby, repealed, so far as the provisions thereof in anywise apply to the president, directors, and company of the Maysville, Flemingsburg, and Mt. Sterling turnpike road company; and said company be, and are hereby, authorized to charge and collect such tolls as are authorized by the acts of the Legislature incorporating said company.

§ 2. That this act shall take effect from its passage.

Approved February 23, 1865.

CHAPTER 970.

1865.

AN ACT for the benefit of Washington Fryer, of Union County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of Washington Fryer, of Union county, for the sum of twenty-two dollars and seventy cents (\$22.70), payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from its passage.

Approved February 23, 1865.

CHAPTER 971.

AN ACT to amend the charter of Germantown, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of Germantown, Kentucky, shall have power to enforce the payment of any and all the penalties for violation of the ordinances of said town, and in order that the same may be more effectual, that they shall have the power, through their police officers, to imprison in the county jail of Mason or Bracken counties all persons who shall fail or refuse to pay the penalties assessed against them, and that it shall be the duty of the jailers of either of said counties to receive into their jails and there safely keep all persons committed for violation of the town ordinances or laws of the Commonwealth: *Provided*, That they shall be committed to the jail of the county in which the offense was committed.

§ 2. That the trustees shall have the power to prohibit any person from interfering with any officer in the discharge of his duties, or from rescuing or attempting to rescue any one held by an order of arrest or in charge of the marshal or other officer when arrested without warrant or from the police court or officer or guard of said court, or other judicial tribunal; for any of said offenses they shall have power to fine and imprison the offender in a penal sum not exceeding one hundred dollars, and imprisonment in a county jail not exceeding six months, or both so fined and imprison, at the discretion of a jury.

§ 3. That the marshal of said town, or any other officer of the town or Commonwealth whose duty it is to suppress riots, breaches of the peace, &c., or to arrest violators of ordinances or laws of the Commonwealth, shall have power to call upon all good citizens to assist him in discharging his duties; and in case of any person refusing to

1865. assist when called upon, they shall be fined in any sum not exceeding fifty dollars, to be enforced according to the first section of this act.

Approved February 23, 1865.

CHAPTER 972.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky River Coal and Lumber Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. L. VanWinkle be substituted in the act of incorporation to which this an amendment, in place of A. J. Mitchell, deceased; and that the capital stock of said company may be increased to the sum of two millions, at the option of said company.

§ 2. That said company shall have power to open oil wells for petroleum, rock, and carbon oils, upon all lands and leases which they may own, or which they may hereafter procure; and shall have power to improve the navigation of all streams passing through or bordering upon their lands; to erect all manner of workshops, refineries, and other improvements deemed necessary for the prosecution of their business.

§ 3. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 973.

AN ACT for the benefit of Canton, Cadiz, and Hopkinsville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all purchases of lands under execution made by the Canton, Cadiz, and Hopkinsville turnpike company, in the collection of moneys subscribed for stocks therein, are hereby legalized, and said company are empowered to have and hold such real estate so acquired, and shall have full power to sell and dispose of the same.

§ 2. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 974.

1865.

AN ACT for the benefit of F. G. Sasseen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon F. G. Sasseen, late assessor of Graves county, making out a complete assessment for the county of Graves for the year 1864, and returning the books of said assessment to the proper office, and making satisfactory proof to the Auditor of Public Accounts of his having made said assessment heretofore and the destruction of one of the books by guerrillas, the said Auditor is directed to draw an order in favor of said Sasseen for the amount he would have been entitled to had he complied with the law in making and returning said assessment and books as required by law; and also an order in favor of said Sasseen for the assessment contained in the book taken and destroyed by guerrillas.

§ 2. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 975.

AN ACT to amend an act, entitled "An act to incorporate the Eastern Kentucky Petroleum Company," approved January 23, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act incorporating the Eastern Kentucky Petroleum Company, approved on the 23d day of January, 1865, be so amended as to make the capital stock of that company not to exceed one million dollars.

§ 2. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 976.

AN ACT to incorporate the Louisville Hebrew Mutual Aid Society—Chebrah Bikur Cholim Ukedusho.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Mordecai Goldberg, Abraham J. H. Bernal, Solomon R. Biesenthal, Morris Ohrback, Charles Feibelman, Louis Rosenfeld, and Wm. Harris, and their associates, the present members of the above named society, and their successors forever, be, and they are hereby, constituted a body-politic and corporate, by the name and style aforesaid, and by that name shall have perpetual succession, and are empowered to receive by gift, grant, pur-

1865.

chase, or devise, such real estate and personal property as may be necessary for the proper enjoyment of their corporate rights as a benevolent society, not exceeding ten thousand dollars in value, and to sell, exchange, transfer, and assign the same at pleasure, and to form and adopt a constitution and by-laws not inconsistent with the laws and constitution of this Commonwealth and of the United States, for the good government of said society and regulation of its affairs.

§ 2. That said society may, at such time as may be determined by the by-laws, elect a president, secretary, and treasurer, and such other officers as they may think fit to elect or appoint.

§ 3. That said society may sue and be sued by its corporate name, and in all suits against the society service of process upon the president, and, in his absence, on the secretary or treasurer, shall be sufficient.

§ 4. That should said society ever be so reduced in numbers as to contain less than seven active members, it shall be dissolved; and all property, real or personal, which shall then belong to it, shall be vested in the city of Louisville, for the use of the public schools thereof, and for no other purpose be used or appropriated.

§ 5. The General Assembly shall have power to alter, change, amend, or repeal this act at pleasure.

Approved February 23, 1865.

CHAPTER 977.

AN ACT to incorporate the Erie and Cumberland Petroleum, Mining, Manufacturing, and Navigating Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That Jas. H. Embry, R. Herndon, P. G. Finn, Benjamin Grant, H. S. Stearns, W. B. Dodge, and J. Towner, are created a corporation or body-politic, able by their common consent to grant or receive in law anything within the compass of their chartered privileges, and to be denominated the "Erie and Cumberland Petroleum, Mining, Manufacturing, and Navigating Company," for the purpose and with the privilege of boring petroleum wells, reducing the oil to its component elements, such as burning fluid, paraffine, asphaltum, &c.; trading in the oil in its crude or refined state, and shipping it to domestic or foreign ports; mining coal, erecting furnaces and forges for the manufacture of railroad and other iron; with the privilege of constructing branch railroads connecting with any main line of railroad now in operation, or which may be constructed hereafter, or connect with any convenient water communication; and shall have the right to procure the

Right of way.

1865.

right of way across any lands not owned or occupied by the company, as is provided by the Revised Statutes in the case of pike or plank roads; such branch roads, although designed for the use of the company in the transportation of their products, they shall have the privilege of transporting freight for any other person or persons, company or companies, over the said branch railroads, and establish a rate of tariff, not exceeding that allowed by law to be charged by the Louisville and Lexington railroad company. Also erecting factories for the manufacture of the textiles, viz: cotton, flax, and hemp; factories, also, for the manufacture of woolen goods, and other mixed fabrics; erecting mills for the manufacture of barrels, flour, and lumber; also erect docks, warehouses, and yards; also the building, owning, and navigating steamboats. Whenever the body-politic shall acquire title to suitable sites for water power, by purchase or lease, and where the locality is suitable, for mining coal or making iron, with a like purchase or lease, these privileges extend. They and their associates and successors shall continue and have succession for an indefinite period, and by their name and style are hereby made as capable in law as individual citizens to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; also the power to purchase or lease and own real estate suitable for mining coal, procuring petroleum, manufacturing iron and oil; for the erection of either factories, mills, warehouses, or dock yards; to borrow money for the benefit of said company, not to exceed one third the estimated value of the realty proposed to be hypothecated; but not to have or exercise the privilege of loaning money or issuing bills and notes upon banking principles; also, after the company shall be organized, the power to ordain and establish such by-laws, ordinances, and regulations as shall be necessary for the well-being and government of said corporation, not contrary to the laws of this State and the United States.

May erect factories.

Powers of corporation.

May borrow money.

§ 2. That the capital stock be three millions of dollars, divided into sixty thousand shares of fifty dollars each.

Capital stock.

§ 3. That the company shall, by common consent of the president and directors, when organized, regulate the proportion of stock which may be issued to each member on application.

How stock issued.

§ 4. That the president and board of directors shall have power to authorize any of its officers or any stockholder, for the mutual benefit of its members, to sell stock to companies or individuals in the United States or in Europe. The proportion of stock, so to be disposed of, to be determined by said president and directors.

Stock may be disposed of, & how.

1865.

President and
other officers to
be elected. how
and when.

§ 5. That the corporation shall hold a meeting as soon after the passage of this act as possible, for the purpose of organizing by the election of president, vice president, secretary, and treasurer; these officers to constitute a board of directors and to hold their offices for one year; and at the expiration of each year the election for said officers to be held, and each and every stockholder to have timely notice of the place, and to be entitled to one vote for every share he may own. Any stockholder not present at any such meeting or election may vote by proxy, such proxy being a stockholder attending such election and presenting his authority in writing from his principal.

Secretary to
make report re-
port of finan-
cial condition.

§ 6. That at every annual meeting it shall be the duty of the secretary to report, in writing, the financial condition of the corporation, its acts and doings, and at all times to have his books ready for inspection by the board of directors; at said meeting to declare dividends and direct the treasurer to settle and pay the same, in conformity with his report; and further, that dividends may be declared and paid to the stockholders half yearly or quarterly, when meetings of the directors shall order.

§ 8. This act to take effect from the time of its passage.

Approved February 23, 1865.

CHAPTER 978.

AN ACT to incorporate the Kentucky Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and
corporate pow-
ers.

§ 1. That Orange Noble, John S. Brown, Philander G. Finn, W. Cleveland, Selden Marion, Henry Jarecki, J. F. Downing, H. C. Rogers, Joseph D. Clark, and their associates or persons who shall become stockholders, be, and the same are hereby, made and constituted a body-politic and corporate, by the name and style of "The Kentucky Oil Company;" and by the said name they and their successors shall and may have perpetual succession; and shall be in law capable of suing and being sued, pleading and being impleaded, in all courts and judicatories whatsoever; and also of contracting and being contracted with, relative to the business and objects of said corporation as hereinafter declared; and they and their successors may have a common seal, and may change and alter the same at pleasure; and they and their successors aforesaid shall have power to lease, purchase in fee simple, or for any less estate, such lands and interests in lands as they may deem necessary and desirable for carrying on the business of said corporation; and the same to divide, sub-divide, lease, sell, and dispose of at their pleasure, in such manner

and for such estates as they may desire, or shall deem expedient.

1865.

Business of
corporation.

§ 2. That the corporation hereby created shall have full power and authority to bore, drill, excavate, and mine for oil, coal, iron, lead, or other minerals or mineral substances; and the same to procure either by mining or purchase; and where mined or secured by purchase or otherwise the same either to sell, refine, purify, and work, as they shall deem expedient; and when so refined, purified, and worked, to sell and dispose of the same; and to build and erect such derricks, engines, tanks, machinery, refineries, stills, furnaces, barrel manufactories, shops, and offices, as they may deem expedient and necessary for carrying out the objects of this incorporation, and the same to work and carry on by themselves and such agents and employes as they may deem necessary.

§ 3. The capital stock of said company shall be three millions of dollars, to be divided into sixty thousand shares of fifty dollars each, with the right to increase said capital stock from time to time as the board of managers or directors may deem proper, not to exceed five millions of dollars; and the said board shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and secretary, and sealed with the common or corporate seal of said company, to each person for such share or shares of stock as by him or her are respectively owned, upon the payment by the person receiving such certificate of the stamp or United States Government duty required thereon, which certificate shall be transferable at his or her pleasure, in person or by attorney, duly authorized in the presence of the president or secretary in a book to be kept by the said corporation for that purpose: *Provided*, That no certificate of stock shall be transferred so long as the holder thereof is indebted to the said company, unless the board of directors shall consent thereto: *And provided further*, That no such transfer of stock shall have the effect of discharging any liabilities or penalties theretofore incurred by the owner thereof, and that no owner or holder of stock shall be entitled to vote on the same unless he has been the bona fide owner thereof, and the same actually transferred to him or her on the books of the company, at least sixty days before the time of such election or proposed voting.

Capital stock.

§ 4. The management and control of the said corporation shall be vested in the persons named in the first section of this act, until a board of directors shall be elected, which may be done at any time after giving ten days' notice to each stockholder personally or by written or printed notice, sent by mail to the said stockholder's last known

Who to manage
affairs of cor-
poration.

1865.

place of residence, of the time and place of holding such election, when each voter shall be entitled to cast one vote for each share of stock he owns; and in case he is not personally present, he may vote by proxy; which last two clauses shall extend to all elections of said corporation.

Directors to be
elected—how &
when.

§ 5. The affairs of the company shall be managed by a board of seven directors, all of whom shall be stockholders in said company, five of whom shall constitute a quorum for business. They shall be elected at the principal office of the company on the first Wednesday after the first Monday of June of each year, between the hours of two o'clock and five o'clock in the afternoon. Any two stockholders, who shall have been elected by the stockholders for that purpose, shall act as tellers of the election, after having been duly sworn to perform their duties as such tellers with fidelity; and such directors, when elected, shall hold their offices for one year and until their successors are duly elected; and any vacancy happening during the term for which they shall have been elected shall be filled by an election by the remaining directors or a majority of them, to hold until the next general election and until his successor is duly elected; and in case any election is not held at the time specified, this charter shall not thereby be forfeited, and such election may be held at any time thereafter upon such notice and in such form as the by-laws may specify.

Term of office,
vacancies, &c.

Officers to be
appointed.

§ 6. The directors shall choose a president and vice president from their number, and a secretary and treasurer, who may or may not be of the board of directors, each of whom shall give bond in such sum as the directors may order for the faithful performance of his duties, with one or more approved sureties; and in case a vacancy shall occur in any of the said offices, the board of directors shall elect for the remainder of said term.

May make by-
laws.

§ 7. The board of directors may make such by-laws, from time to time, as they may deem proper and necessary for the management of the corporation, fix the manner of giving notices of elections, &c., not inconsistent with the constitution and laws of this Commonwealth.

Meetings, re-
ports, &c.

§ 8. There shall be a meeting of the stockholders of the company at its principal office on the first Wednesday after the first Monday in June in each year, at ten o'clock in the morning, to hear the reports of the officers of the company, and to attend to such other business as may require their attention.

Dividends.

§ 9. The board of directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them advisable, at such times as may be deemed expedient, to be paid to the stockholders

on demand, in not less than ten days (except at the treasurer's option) after the same shall have been declared.

1865.

§ 10. At each annual meeting of the stockholders, and as often as the stockholders may require, the president and directors of the preceding year shall exhibit to them a full and complete statement of the affairs, condition, and proceedings of the company for the preceding year, with such matters as shall be necessary to convey to the stockholders a full knowledge of the condition and affairs of said company.

Statement of condition of corporation to be made.

§ 11. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 12. This act shall take effect from and after its passage.

Approved February 23, 1865.

CHAPTER 979.

AN ACT to incorporate the Old Deposit Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Andrew Graham, Henry Dent, James Trabue, John M. Delph, and Arthur Peter, of the city of Louisville, Kentucky, and their successors and assigns, are hereby created a body-politic and corporate, by the name of "The Old Deposit Oil and Mining Company," and by that name shall have perpetual succession; with power to contract and be contracted with, sue and be sued, answer and defend, in all courts as a natural person; to have and use a common seal, and to alter the same at pleasure; and to make all necessary by-laws and regulations for the government of the company and conduct of its business, not inconsistent with the constitution and laws of this Commonwealth.

Corporators' names, and corporate powers.

§ 2. That the said company shall have power to purchase and hold such estate in Kentucky and elsewhere, by lease, in fee simple or otherwise, and such mining privileges, rights of way, and other easements, as it may deem necessary or expedient for its business; and shall have power to dig, bore, mine, and search for oils, coal, iron, salt, and other minerals, products and deposits in the earth; to extract, take out, develop, smelt, refine, reduce, manufacture, and prepare for market any or all of said materials, products, or deposits; and to transport and sell the same in or out of this State; to buy, erect, or construct all machinery, tools, fixtures, and personal property deemed necessary or proper in the carrying on of said business or any part thereof; to sell, convey, transfer, or assign all or any part or interest in any of said estate, real

May hold real estate.

Business of corporation.

1865.

or personal, corporeal or incorporeal ; and to exercise any necessary and proper power to carry out the expressed powers herein granted ; but nothing herein contained shall be construed as granting the said company any banking powers.

Capital stock.**First board of directors.****May open books.****When to commence busin'ss.**

§ 3. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, to be divided into shares of twenty-five dollars each ; which shares shall be personal property, and shall be evidenced and transferable as prescribed by the by-laws of the company ; and the said persons named in the first section of this act shall constitute the board of directors for said company for the first year after the passage of this act, and until their successors are qualified ; and they, or a majority of them, shall have power to open books for the subscription of stock, and prescribe, in the terms of subscription, the manner of payment, and the grounds of forfeiture of stock subscribed for and not paid in as required ; and when not less than twenty-five thousand dollars are subscribed, and such portion thereof paid in as the said board of directors shall require to be paid in cash, the company may proceed to business, and the board, or a majority of them, shall organize by electing one of their number to be president of the company, to preside at meetings of the board.

Elections. when and how held.**Term of office.**

§ 4. The said president and directors shall provide by the by-laws for the annual election by the stockholders of a board of not less than five nor more than nine directors, who, when elected, in each year, shall choose one of their number as president as aforesaid ; and the president and directors shall hold their office until their successors are elected ; and the board of directors, or so many thereof as may by the provisions of the by-laws constitute a quorum for business, may, from time to time, fill vacancies in the board occurring between annual elections, as shall be provided for in the by-laws.

How stock voted.

§ 5. Each share of stock shall entitle the holder to one vote, at the election of directors or in stockholders' meetings, and must be voted by the holder, in person or by virtue of a written proxy signed by the holder ; and no person shall be voted for or hold the office of director who does not own at least five shares of the said capital stock.

Officers to be appointed.

§ 6. The said by-laws may provide for the appointment, employment, and payment of all the necessary secretaries, treasurers, cashiers, and other agents, employes, and operators, and for requiring bond and surety of each of said company's officers, and in such amount and penalty as it may be deemed proper, the better to secure the faithful discharge of their duties.

May declare dividends.

§ 7. And the said company shall, from time to time, as it may see proper, make, declare, and pay dividends of

profits, and distribute its net receipts and the proceeds of sales amongst the stockholders *pro rata*, according to the amount of stock held by each. 1865.

§ 8. This act shall take effect from and after its passage.

Approved February 23, 1865.

CHAPTER 980.

AN ACT to incorporate the Lawrence Oil, Coal, Mining, and Iron Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James J. Miller, E. H. Taylor, jr., and W. A. Gaines, their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, with perpetual succession, by the name of the Lawrence Oil, Coal, Mining, and Iron Manufacturing Company, with all the powers and authority incident to corporations or hitherto granted any corporation within this Commonwealth, for the purposes hereinafter mentioned.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils, salt, &c.; mining coal, iron, zinc, copper, lead, and other minerals; and to refine, manufacture, ship, and vend the same; and to cut, raft, or float the timber from said lands, or build any and all kinds of flats, boats, mills, or other buildings, fixtures, and machinery deemed proper, in order to further the operations of said corporation, or dispose of any portion or portions of its territory or other property deemed advisable, and convey the same by deed or otherwise.

§ 3. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares not less than ten nor more than one hundred dollars each; and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock may be increased if deemed proper.

§ 4. The shares of stock of said company shall be deemed personal estate, and transferable on the books of the company as prescribed by the by-laws of the corporation.

§ 5. The affairs of said company shall be managed by three directors, one of whom shall be president, and all of whom shall be stockholders in said corporation; and the first board of directors shall consist of James J. Miller, E. H. Taylor, jr., and W. A. Gaines, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the

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board of directors thus chosen shall continue in office for one year or until their successors are elected; if any of the directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else; they may adopt such by-laws and rules, and the same to alter, amend, or repeal, from time to time, for the government of the corporation and management of its affairs and business, as they may deem proper, not inconsistent with the constitution and laws of the State. The said corporation, or any of them, may open books and receive subscriptions to the capital stock of said company herein incorporated, and give such notice thereof, times, places, &c., as may be deemed proper. Whenever one hundred thousand dollars of the capital stock is subscribed and ten per cent. thereof paid in, notice may be given of the time and place of the election of a new board of directors, who shall hold office for one year or until their successors are elected as provided herein; and may make such calls of payment of stock as they may deem proper, not to exceed twenty per cent. for every thirty days; and in default of payment, the by-laws of said corporation may authorize a forfeiture of stock. They may keep their office at such place or places as they may deem to the interest of the corporation. They may appoint a secretary, treasurer, superintendent, and such other officers and agents as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary; and may use a common seal, and alter the same at pleasure.

§ 6. No banking privileges are granted by this act, and which is to take effect from its passage.

Approved February 23, 1865.

CHAPTER 981.

AN ACT to incorporate the Ohio River Oil, Coal, Mining, and Iron Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. T. Berry, William Berry, and Thomas Berry, their associates, successors, and assigns, be, and they are hereby, created a body-corporate and politic, with perpetual succession, by the name of "The Ohio River Oil, Coal, Mining, and Iron Manufacturing Company," with all the powers and authority incident to corporations or hitherto granted any corporation within this Commonwealth, for the purposes hereinafter mentioned.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils, salt, &c., mining coal, iron, zinc, copper, lead, and other minerals, and to refine, manufacture, ship, and vend the same, and to cut, raft, or float the timber from said lands, or build any and all kinds of flats, boats, mills, or other buildings, fixtures, and machinery deemed proper in order to further the operations of said corporation; or dispose of any portion or portions of its territory or other property deemed advisable, and convey the same, by deed or otherwise, and to sue and be sued, and to maintain any action, either as plaintiffs or defendants, touching the rights or interests of said corporation, in any of the courts of this Commonwealth.

§ 3. The capital stock of said corporation shall be one million of dollars, divided into shares of not less than ten nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock may be increased if deemed proper.

§ 4. The shares of stock in said company shall be deemed personal estate, and transferable on the books of the company, as prescribed by the by-laws of the corporation.

§ 5. The affairs of the company shall be managed by three directors, one of whom shall be president, and all of whom shall be stockholders in said corporation; and the first board of directors shall consist of E. T. Berry, Wm. Berry, and Thomas Berry; who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors thus chosen shall continue in office for one year or until their successors are elected. If any of the directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules, and the same to alter or amend or repeal, from time to time, in the general management of its property and business affairs and the government of the corporation, as they may deem proper, not inconsistent with the Constitution and laws of the State. The said corporation, or any of them, may open books and receive subscriptions to the capital stock of said company, herein incorporated, and give such notice thereof, times, places, &c., as may be deemed proper. Whenever fifty thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice may be given of the time and place of the election of a new board of direct-

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ors, who shall hold office for one year or until their successors are elected, as provided herein, and may make such calls of payment of stock as they may deem proper, not to exceed twenty per cent. for every thirty days; and in default of payment, the by-laws of said company may authorize a forfeiture of stock; they may keep their office at such place or places as they may deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and such other officers and agents as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary, and use a common seal and alter the same at pleasure.

§ 6. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 7. No banking privileges are granted by this act, which shall take effect from its passage.

Approved February 23, 1865.

CHAPTER 982.

AN ACT to incorporate the United Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Geo. W. Wicks, Robert Skene, Wm. C. Hite, R. A. Robinson, E. D. Tyler, Arthur Peter, Isaac Caldwell, R. H. Woolfolk, and J. H. Lindenberger, of the city of Louisville, Kentucky, and their successors and assigns, are hereby created a body-politic and corporate, by the name of the "United Oil and Mining Company;" and by that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, answer and defend, in all courts and places, as a natural person; to have and use a common seal, and alter the same at pleasure; and to make all necessary by-laws and regulations for the government of the company and the conduct of its business, not inconsistent with the constitution and laws of this Commonwealth.

§ 2. The said company shall have power to purchase and hold such estate in Kentucky and elsewhere, by lease, in fee or otherwise, and such mining privileges, rights of way, and other easements, as it may deem necessary or expedient for its business; and shall have power to dig, bore, mine, and search for oil, coal, iron, salt, and other minerals, products and deposits in the earth; to extract, take out, develop, smelt, and refine, reduce, manufacture, and prepare for market, any or all of said minerals, products, or deposits, and to transport

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and sell the same in or out of this State; to buy, erect, or construct all machinery, tools, fixtures, and personal property deemed necessary or proper in the carrying on of said business or any part thereof; to sell, convey, transfer, or assign all or any part or interest in any of said estate, real or personal, corporeal or incorporeal, and to exercise any necessary and proper powers to carry out the express powers herein granted; but nothing herein contained shall be construed as granting to the said company any banking powers.

§ 3. The capital stock of said company shall not exceed one million five hundred thousand dollars, to be divided into shares of one hundred dollars each, which shares shall be personal property, and shall be evidenced and transferable as prescribed by the by-laws of the company; and the said persons named in the first section of this act shall constitute the board of directors for said company for the first year after the passage of this act, and until their successors are qualified; they, or a majority of them, shall have power to open books for the subscription of stock, and prescribe in the terms of subscription the manner of payment, and the grounds of forfeiture of stock subscribed for and not paid in as required; and when not less than one hundred thousand dollars are subscribed, and such portion thereof paid in as the said board of directors shall require to be paid in cash, the company may proceed to business, and the board, or a majority thereof, shall organize by electing one of their number to be president of the company, and to preside at meetings of the board.

§ 4. The said president and directors shall provide, by the by-laws, for the annual election, by the stockholders, of a board of not less than five nor more than nine directors, who, when elected, in each year shall choose one of their number as president as aforesaid; and the president and directors shall hold their offices until their successors are elected; and the board of directors, or so many thereof as may, by the provisions of the by-laws, constitute a quorum for business, may, from time to time, fill vacancies in the board occurring between annual elections as shall be provided in the by-laws.

§ 5. Each share of stock shall entitle the holder to one vote at the elections of directors, or in stockholders' meetings, and must be voted by the holder in person or by virtue of a written proxy signed by the holder; and no person shall be voted for or hold the office of director who does not own at least five shares of the said capital stock.

§ 6. The said by-laws may provide for the appointment, employment, and payment of all necessary secretaries, treasurers, cashiers, and other agents, employes, and operatives, and for requiring bond and surety of such of its

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officers, and in such amount and penalty, as it may deem proper, the better to secure the faithful discharge of their duties.

§ 7. And the said company may, from time to time, as it may see proper, make, declare, and pay dividends of profits and distribute its net receipts and the proceeds of sales amongst the stockholders *pro rata*, according to the amount of stock held by each.

§ 8. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 9. This act shall take effect from and after its passage.

Approved February 23, 1865.

CHAPTER 983.

AN ACT to incorporate the Glasgow Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John R. Redding, Albert H. Hagar, E. C. Mitchell, J. T. Boyle, W. Redding, Stephen Benton, and A. C. Durlund, be, and they are hereby, created a body-corporate and politic, by the name of the "Glasgow Petroleum Company," for the term of thirty years, for the purpose hereinafter mentioned, and with the rights and powers of corporations necessary to carry out the objects of the corporation.

§ 2. The capital stock of the company shall be one hundred thousand dollars; and so soon as the amount of capital stock shall be subscribed and ten per cent. thereof paid, the said J. R. Redding, A. H. Hagar, E. C. Mitchell, J. T. Boyle, W. Redding, Stephen Benton, and A. C. Durlund, shall be and constitute the first board of directors of said corporation, and shall hold office until their successors are elected; on the application of any three stockholders to said board of directors they shall appoint a place and time for holding an election of a new board of directors to be chosen from the stockholders, who shall be elected by a majority of those in interest; and the board of directors may elect one of their number president, and may appoint a treasurer, secretary, also such other officers as they may create by their by-laws, and may fix the salary and compensation of all employes; the capital stock may be increased by the board of directors to an amount not exceeding four hundred thousand dollars, and the stock may be divided into shares of not less than five dollars or more than one hundred dollars each, as the board of directors may deem proper.

§ 3. The said Glasgow Petroleum Company are authorized and empowered to purchase and hold, in fee simple

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or by lease, real estate not to exceed in value the capital stock of the company, and are authorized to bore and mine for petroleum, salt, and other minerals, and to refine and vend the same.

§ 4. The board of directors of the Glasgow Petroleum Company may adopt such by-laws as they may deem proper for the government of the company and management of its affairs and business, and establish an office or offices at such place or places as they may deem proper; and may open books of subscription to the capital stock of the company, and close the same at such times and places as any three of said directors may deem proper; and regulate the manner of issuing and transferring the stock of the company: *Provided*, That such by-laws are not inconsistent with the constitution and laws of the State; and the right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 5. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 984.

AN ACT to incorporate the National Petroleum, Mining, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. M. Speer, W. S. Rankin, J. C. Sayers, F. Wise, G. P. Webster, C. G. Wallace, J. G. Carlisle, J. T. Wise, and J. T. Lewis, and their associates and successors, are hereby created a body-politic and corporate, by the name and style of "The National Petroleum, Mining, and Manufacturing Company," and by that name said incorporation shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places, as a natural person, forever; and to have and use a common seal, and alter the same at pleasure; and to make all necessary by-laws and regulations for the government of the company and the conduct of its business, not inconsistent with the Constitution and laws of this State and the United States.

§ 2. The said company shall have power to purchase, lease, acquire, and hold such real estate, in the State of Kentucky and elsewhere, by lease, in fee simple or otherwise, and such mining privileges, rights of way, and other easements, as it may deem necessary or expedient for its business; and shall have power to dig, bore, mine, and in any other manner search for oil, coal, salt, iron, and any other mineral products and deposits in the earth; to extract, take out, develop, smelt and refine, reduce, manu-

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facture, purchase, and prepare for market, any or all of said mineral products, oils, or deposits aforesaid, and to transport or sell the same in or out of this State; to buy, erect, or construct all buildings, machinery, tools, fixtures, and personal property deemed necessary or proper in carrying on said business or any part thereof; to sell, convey, transfer, or assign all or any part or interest in said estate, real or personal, corporeal or incorporeal, and to exercise any necessary or proper powers to carry out the expressed powers herein granted. Said company may hold its main office within or out of this State, as the board of directors may decide is best for the interest of the company. Said company shall not have nor exercise any banking powers, but it may borrow money upon such bonds or other evidences of debt as the board of directors may direct to be executed, in such sums and at such times and in such places and at such rate of interest, not exceeding ten per centum per annum, as the board of directors may deem advisable; and they may execute mortgages upon any or all the property of the company to secure the payment of such debts, from time to time, as may be created.

§ 3. The capital stock of said company shall not exceed four millions of dollars, to be divided into shares of fifty dollars each, which shares shall be personal property, and shall be evidenced and transferred as prescribed by the by-laws of the company. The board of directors may fix the capital stock at first at a less sum than four millions of dollars, and increase the same from time to time as they may deem expedient, but not above said sum. The said persons named in the first section of this act shall constitute the board of directors for said company for the first year after the passage of this act, and until their successors are qualified; they, or a majority of them, shall have power to open books for the subscription of stock, and prescribe, in the terms of subscription, the manner of payment, and the time, manner, and grounds of forfeiture of stock subscribed for and not paid in as required by call; and when not less than fifty thousand dollars are subscribed, and such portion thereof paid in as the said board of directors shall require to be paid in cash, the company may proceed to business, and the board, or a majority thereof, shall organize by electing one of their number to be president of the company; the president and directors shall have power to appoint a secretary, treasurer, and such other inferior officers as the company, from time to time, may require, fix their salaries, and prescribe their duties, as well as those of the president, and the time such inferior officers shall hold their respective positions; and may require and take from all officers such bonds as may be necessary to secure a

faithful discharge of their duties, and may remove such inferior officers at pleasure.

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§ 4. The president and directors shall provide by the by-laws for the annual election, by the stockholders, of a board of directors, of not less than five nor more than nine, who, when elected, in each year, shall choose one of their number as president as aforesaid; and the president and directors shall hold their offices until their successors are elected; and the board of directors, or so many thereof as may, by the provisions of the by-laws, constitute a quorum for business, may, from time to time, fill vacancies in the board occurring between annual elections, as shall be provided in their by-laws.

§ 5. Each share of stock shall entitle the holder to one vote at the election of directors or in stockholder's meetings, for any purpose, and must be voted by the holder in person or by virtue of a written proxy, signed by the holder; and no person shall be voted for, or hold the office of director, who does not at the time, in good faith, own in his own exclusive right at least five shares of the capital stock of said company, paid up in full.

§ 6. The said by-laws may provide for the appointment, employment, and payment of all necessary agents, employes, and operatives for said company.

§ 7. The said company may, from time to time, as it may deem proper, make, declare, and pay dividends or profits, and distribute its net receipts and proceeds of sales among the stockholders *pro rata*, according to the amount of stock held by each.

§ 8. This act shall be in force from and after its passage.

Approved February 23, 1865.

CHAPTER 985.

AN ACT to incorporate the Southern Kentucky Oil, Coal, Mining, and Iron Manufacturing Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Thos. E. Bramlette, W. A. Gaines, and E. H. Taylor, jr., their associates, successors, and assigns, be, and they are hereby, created a body-corporate and politic, with perpetual succession, by the name of "The Southern Kentucky Oil, Coal, Mining, and Iron Manufacturing Company," with all the powers and authority incident to corporations or hitherto granted any corporation within this Commonwealth, for the purposes hereinafter mentioned.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils, salt,

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&c., mining coal, iron, zinc, copper, lead, and other minerals, and to refine, manufacture, ship, and vend the same, and to cut, raft, or float the timber from said lands, or build any and all kinds of flats, boats, mills, or other buildings, fixtures, and machinery deemed proper, in order to further the operations of said corporation, or dispose of any portion or portions of its territory or other property deemed advisable, and convey the same by deed or otherwise.

§ 3. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of not less than ten nor more than one hundred dollars each; and may be issued and transferred, in such manner and upon such conditions, as the board of directors of said corporation may direct; and the capital stock may be increased if deemed proper.

§ 4. The shares of stock of said company shall be deemed personal estate, and transferable on the books of the company as prescribed by the by-laws of the corporation.

§ 5. The affairs of said company shall be managed by three directors, one of whom shall be president, and all of whom shall be stockholders in the said corporation; and the first board of directors shall consist of Thos. E. Bramlette, W. A. Gaines, and E. H. Taylor, jr., who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors thus chosen shall continue in office for one year or until their successors are elected. If any of the directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules, and the same to alter, amend, or repeal, from time to time, for the government of the corporation and management of its affairs and business, as they may deem proper, not inconsistent with the Constitution and laws of the State. The said corporation, or any of them, may open books and receive subscriptions to the capital stock of said company herein incorporated, and give such notice thereof, times and places, &c., as may be deemed proper. Whenever one hundred thousand dollars of the capital stock is subscribed and ten per cent. thereof paid in, notice may be given of the time and place of the election of a new board of directors, who shall hold office for one year or until their successors are elected, as provided herein, and may make such calls of payment of stock as they may deem proper, not to exceed twenty per cent. for every thirty days; and in default of payment, the by-laws of said corporation may authorize a forfeiture of stock. They may keep their office at such place or places as they may deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and such other officers

and agents as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary; and may use a common seal and alter the same at pleasure.

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§ 6. No banking privileges are granted by this act.

§ 7. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 986.

AN ACT to incorporate the Frankfort and Big Sandy Oil, Coal, Mining, and Iron Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jacob Swigert, E. H. Taylor, jr., W. A. Gaines, James J. Miller, and R. P. Pepper, their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, with perpetual succession, by the name of the "Frankfort and Big Sandy Oil, Coal, Mining, and Iron Manufacturing Company," with all the powers and authority incident to corporations, or hitherto granted any corporation within this Commonwealth, for the purposes hereinafter mentioned.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils, salt, &c., mining coal, iron, zinc, copper, lead, and other minerals, and to refine, manufacture, ship, and vend the same; and to cut, raft, or float the timber from said lands, or build any and all kinds of flats, boats, mills, or other buildings, fixtures, and machinery deemed proper in order to further the operations of said corporation; or dispose of any portion or portions of its territory, or other property deemed advisable, and convey the same by deed or otherwise.

§ 3. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares not less than ten nor more than one hundred dollars each; and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock may be increased if deemed proper.

§ 4. The shares of stock of said company shall be deemed personal estate, and transferable on the books of the company as prescribed by the by-laws of the corporation.

§ 5. The affairs of said company shall be managed by three directors, one of whom shall be president, and all of whom shall be stockholders in said corporation; and the

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first board of directors shall consist of James J. Miller, E. H. Taylor, jr., and R. P. Pepper, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors thus chosen shall continue in office for one year, or until their successors are elected. If any of the directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules, and the same to alter, amend, or repeal from time to time, for the government of the corporation and management of its affairs and business, as they may deem proper, not inconsistent with the constitution and laws of the State. The said corporation, or any of them, may open books and receive subscriptions to the capital stock of said company herein incorporated, and give such notice thereof, times, places, &c., as may be deemed proper. Whenever one hundred thousand dollars of the capital stock is subscribed, and ten per cent thereof paid in, notice may be given of the time and place of the election of a new board of directors, who shall hold office for one year, or until their successors are elected as provided herein; and may make such calls of payment of stock as they may deem proper, not to exceed twenty per cent. for every thirty days; and in default of payment the by-laws of said corporation may authorize a forfeiture of stock. They may keep their office at such place or places as they may deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and such other officers and agents as they may deem necessary, with such compensation for services as they may fix; and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary; and may use a common seal, and alter the same at pleasure.

§ 6. No banking privileges are hereby granted.

§ 7. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 987.

AN ACT to incorporate the Kentucky National Oil, Coal Mining, and Iron Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. A. Gaines, E. H. Taylor, jr., and S. F. J. Trabue, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, with perpetual succession, by the name of the "Kentucky National Oil, Coal Mining, and Iron Manufacturing Com-

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pany," with all the powers and authority incident to corporations, or hitherto granted any corporation within this Commonwealth, for the uses and purposes hereinafter mentioned.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils, salt, &c.; coal, iron, zinc, copper, lead, and other minerals; and to refine, manufacture, ship, and vend the same; and to cut, raft, or float the timber from said lands, or build any and all kinds of flats, boats, mills, or other buildings, fixtures, and machinery deemed proper, in order to further the operations of said corporation, or dispose of any portion or portions of its territory or other property deemed advisable, and convey the same by deed or otherwise.

§ 3. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares not less than ten nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock may be increased if deemed proper.

§ 4. The shares of stock in said company shall be deemed personal estate, and transferable on the books of the company as prescribed by the by-laws of the corporation.

§ 5. The affairs of the company shall be managed by three directors, one of whom shall be president, and all of whom shall be stockholders in said corporation; and the first board of directors shall consist of W. A. Gaines, E. H. Taylor, jr., and S. F. J. Trabue, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors thus chosen shall continue in office for one year or until their successors are elected; if any of the directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else; they may adopt such by-laws and rules, and the same to alter, amend, or repeal, from time to time, in the general management of its property and business affairs and the government of the corporation, as they deem proper, not inconsistent with the constitution and laws of the State. The said corporation, or any of them, may open books and receive subscriptions to the capital stock of said company herein incorporated, and give such notice thereof, times, places, &c., as may be deemed proper. Whenever fifty thousand dollars of the capital stock is subscribed and ten per cent. thereof paid in, notice may be given of the time and place of the election of a new board of directors, who shall hold office for one year or until their successors are elected as provided herein; and may make such calls of

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payment of stock as they may deem proper, not to exceed twenty per cent. for every thirty days; and in default of payment, the by-laws of said company may authorize a forfeiture of stock; they may keep their office at such place or places as they may deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and such other officers and agents as they may deem necessary, with such compensation for services as they may fix; and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary; and use a common seal, and alter the same at pleasure.

§ 6. No banking privileges are granted by this act, which shall take effect from its passage.

Approved February 23, 1865.

CHAPTER 988.

AN ACT to incorporate the Cumberland River Oil, Coal, Mining, and Iron Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas E. Bramlette, Samuel Field, E. H. Taylor, jr., W. A. Gaines, and S. F. J. Trabue, their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, with perpetual succession, by the name of the "Cumberland River Oil, Coal, Mining, and Iron Manufacturing Company," with all the powers and authority incident to corporations, or hitherto granted any corporation within this Commonwealth, for the purposes hereinafter mentioned, not contrary to the laws of this State or of the United States.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils, salt, &c.; mining coal, iron, zinc, copper, lead, and other minerals; and to refine, manufacture, ship, and vend the same; and to cut rafts or float the timber from said lands, or build any and all kinds of flats, boats, mills, or other buildings, fixtures, and machinery deemed proper in order to further the operations of said corporation; or dispose of any portion or portions of its territory or other property deemed advisable, and convey the same by deed or otherwise; and to sue and be sued; and to maintain any action either as plaintiffs or defendants, touching the rights or interests of said corporation, in any of the courts of this Commonwealth.

§ 3. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares not less

than ten nor more than one hundred dollars each; and may be issued and transferred in such manner, and upon such conditions, as the board of directors of said corporation may direct; and the capital stock may be increased if deemed proper.

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§ 4. The shares of stock in said company shall be deemed personal estate, and transferable on the books of the company as prescribed by the by-laws of the corporation.

§ 5. The affairs of the company shall be managed by three directors, one of whom shall be president, and all of whom shall be stockholders in said corporation; and the first board of directors shall consist of E. H. Taylor, jr., Samuel Field, and S. F. J. Trabue, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors thus chosen shall continue in office for one year, or until their successors are elected; if any of the directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else; they may adopt such by-laws and rules, and the same to alter, amend, or repeal, from time to time, in the general management of its property and business affairs and the government of the corporation, as they deem proper, not inconsistent with the laws and constitution of the State. The said corporation, or any of them, may open books and receive subscriptions to the capital stock of said company herein incorporated, and give such notice thereof, times, places, &c., as may be deemed proper. Whenever fifty thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice may be given of the time and place of election of a new board of directors, who shall hold office for one year, or until their successors are elected as provided herein; and may make such calls of payment of stock as they may deem proper, not to exceed twenty per cent. for every thirty days; and in default of payment the by-laws of said company may authorize a forfeiture of stock; they may keep their office at such place or places as they may deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and such other officers and agents as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary; and use a common seal, and alter the same at pleasure.

§ 6. No banking privileges are granted by this act, which shall take effect from its passage.

Approved February 23, 1865

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CHAPTER 989.

AN ACT to incorporate the Eastern Kentucky Oil, Coal, Mining, and Iron Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. H. Taylor, jr., James J. Miller, W. A. Gaines, E. H. Watson, and S. F. J. Trabue, their associates, successors, and assigns, be, and they are hereby, created a body-corporate and politic, with perpetual succession, by the name of "The Eastern Kentucky Oil, Coal, Mining, and Iron Manufacturing Company," with all the powers and authority incident to corporations or hitherto granted any corporation within this Commonwealth, for the purposes hereinafter mentioned.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils, salt, &c., mining coal, iron, zinc, copper, lead, and other minerals, and to refine, manufacture, ship, and vend the same, and to cut, raft, or float the timber from said land, or build any and all kinds of flats, boats, mills, or other buildings, fixtures, and machinery deemed proper in order to further the operations of said corporation, or dispose of any portion or portions of its territory or other property deemed advisable, and convey the same by deed or otherwise.

§ 3. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock may be increased if deemed proper.

§ 4. The shares of stock of said company shall be deemed personal estate, and transferable on the books of the company as prescribed by the by-laws of the corporation.

§ 5. The affairs of said company shall be managed by three directors, one of whom shall be president, and all of whom shall be stockholders in said corporation; and the first board of directors shall consist of E. H. Taylor, jr., James J. Miller, and W. A. Gaines, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors thus chosen shall continue in office for one year, or until their successors are elected. If any of the directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules, and the same to alter, amend, or repeal, from time to time, for the government of the corporation and management of its affairs and business as they may deem proper, not inconsistent with

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the constitution and laws of the State. The said corporation, or any of them, may open books and receive subscriptions to the capital stock of said company herein incorporated, and give such notice thereof, times, places, &c., as may be deemed proper. Whenever one hundred thousand dollars of the capital stock is subscribed and ten per cent. thereof paid in, notice may be given of the time and place of the election of a new board of directors, who shall hold office for one year or until their successors are elected, as provided herein, and may make such calls of payment of stock as they may deem proper, not to exceed twenty per cent. for every thirty days; and in default of payment, the by-laws of said corporation may authorize a forfeiture of stock. They may keep their office at such place or places as they may deem to the interest of the corporation. They may appoint a secretary, treasurer, superintendent, and such other officers and agents as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary, and may use a common seal and alter the same at pleasure; and the right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 7. No banking privileges are granted by this act, and which is to take effect from its passage.

Approved February 23, 1865

CHAPTER 990.

AN ACT to incorporate the Western Kentucky Oil, Coal, Mining, and Iron Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. H. Taylor, jr., W. A. Gaines, and S. F. J. Trabue, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, with perpetual succession, by the name of the "Western Kentucky Oil, Coal, Mining, and Iron Manufacturing Company," with all the powers and authority incident to corporations, or hitherto granted any corporation within this Commonwealth, for the uses and purposes hereinafter mentioned.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils, salt, &c., coal, iron, zinc, copper, lead, and other minerals, and to refine, manufacture, ship, and vend the same; and to cut, raft, or float the timber from said lands, or build any and all kinds of flats, boats, mills, or other buildings, fixtures,

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and machinery deemed proper in order to further the operations of said corporation; or dispose of any portion or portions of its territory or other property deemed advisable, and convey the same by deed or otherwise.

§ 3. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of not less than ten nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock may be increased if deemed proper.

§ 4. The shares of stock in said company shall be deemed personal estate, and transferable on the books of the company as prescribed by the by-laws of the corporation.

§ 5. The affairs of the company shall be managed by three directors, one of whom shall be president, and all of whom shall be stockholders in said corporation; and the first board of directors shall consist of E. H. Taylor, jr., W. A. Gaines, and S. F. J. Trabue, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors thus chosen shall continue in office for one year, or until their successors are elected; if any of the directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else; they may adopt such by-laws and rules, and the same to alter, amend, or repeal from time to time, in the general management of its property and affairs, and the government of the corporation, as they deem proper, not inconsistent with the constitution and laws of this State or the United States. The said corporation, or any of them, may open books and receive subscriptions to the capital stock of said company herein incorporated, and give such notice thereof, times, places, &c., as may be deemed proper; whenever fifty thousand dollars of the capital stock is subscribed and ten per cent thereof paid in, notice may be given of the time and place of the election of a new board of directors, who shall hold office for one year, or until their successors are elected as provided herein; and may make such calls of payment of stock as they may deem proper, not to exceed twenty per cent. for every thirty days; and in default of payment the by-laws of said company may authorize a forfeiture of stock. They may keep their office at such place or places as they may deem to the interest of the corporation. They may appoint a secretary, treasurer, superintendent, and such other officers and agents as they may deem necessary, with such compensation for services as they may fix; and by their by-laws regulate and fix the mode of keeping their records as

may be deemed necessary; and use a common seal, and alter the same at pleasure.

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§ 6. No banking privileges are granted by this act, which shall take effect from its passage.

Approved February 23, 1865.

CHAPTER 991.

AN ACT to incorporate the Red River Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jehiel Towner, Sidney M. Barnes, William B. Dodge, J. W. Hammond, Benjamin Grant, John S. Brown, J. B. Carver, W. J. Watkins, George Kellogg, J. Van Sconter, and their associates, or persons who shall become stockholders, be, and the same are hereby, made and constituted a body-politic and corporate, by the name and style of "The Red River Oil Company;" and by the said name they and their successors shall and may have perpetual succession; and shall be in law capable of suing and being sued, pleading and being impleaded, in all courts and judicatories whatsoever; and also of contracting and being contracted with, relative to the business and objects of said corporation as hereinafter declared; and they and their successors may have a common seal, and may change and alter the same at pleasure; and they and their successors as aforesaid shall have power to lease, purchase, in fee simple or for any less estate, such lands and interests in lands as they may deem necessary and desirable for carrying on the business of said corporation, and the same to divide, sub-divide, lease, sell, and dispose of at their pleasure, in such manner and for such estates as they may desire, or shall deem expedient.

§ 2. That the corporation hereby created shall have full power and authority to bore, drill, excavate, and mine for oil, coal, iron, lead, or other minerals, or mineral substances, and the same to procure either by mining or purchase; and when mined or secured by purchase or otherwise, the same either to sell, refine, purify, and work as they shall deem expedient; and when so refined, purified, and worked, to sell and dispose of the same; and to build and erect such derricks, engines, tanks, machinery, refineries, stills, furnaces, barrel-manufactories, shops, and offices as they may deem expedient and necessary for carrying out the objects of this incorporation, and the same to work and carry on by themselves and such agents and employes as they may deem necessary.

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§ 3. The capital stock of said company shall be three millions of dollars, to be divided into sixty thousand shares of fifty dollars each, with a right to increase said capital stock, from time to time, as the board of managers or directors may deem proper, not to exceed five millions of dollars; and the said board shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and secretary and sealed with the common or corporate seal of said company, to each person for such share or shares of stock as by him or her are respectively owned, upon the payment by the person receiving such certificate of the stamp or United States government duty required thereon, which certificate shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president or secretary, in a book to be kept by the said corporation for that purpose: *Provided*, That no certificate of stock shall be transferred so long as the holder thereof is indebted to the said company, unless the board of directors shall consent thereto: *And provided further*, That no such transfer of stock shall have the effect of discharging any liabilities or penalties theretofore incurred by the owner thereof; and that no owner or holder of stock shall be entitled to vote on the same unless he has been the *bona fide* owner thereof, and the same actually transferred to him or her on the books of the company at least sixty days before the time of such election or proposed voting.

§ 4. The management and control of the said corporation shall be vested in the persons named in the first section of this act, until a board of directors shall be elected, which may be done at any time after giving ten days' notice to each stockholder, personally, or by written or printed notice sent by mail to the said stockholder's last known place of residence, of the time and place of holding such election; when each voter shall be entitled to cast one vote for each share of stock he owns; and in case he is not personally present, may vote by proxy; which last two clauses shall extend to all elections of said corporation.

§ 5. The affairs of the company shall be managed by a board of seven directors, all of whom shall be stockholders in said company, five of whom shall constitute a quorum for business. They shall be elected at the principal office of the company on the first Monday in June of each year, between the hours of two o'clock and five o'clock in the afternoon; any two stockholders who shall have been chosen by the stockholders for that purpose, shall act as tellers of the election after having been duly sworn to perform their duties as such tellers with fidelity;

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and such directors, when elected, shall hold their offices for one year and until their successors are duly elected; and any vacancy happening during the term for which they shall have been elected, shall be filled by an election by the remaining directors, or a majority of them, to hold until the next general election and until his successor is duly elected; and in case any election is not held at the time specified, this charter shall not thereby be forfeited; and such election may be held at any time thereafter upon such notice and in such form as the by-laws may specify.

§ 6. The directors shall choose a president and vice president from their number and a secretary and treasurer, who may or may not, be of the board of directors, each of whom shall give bond in such sum as the directors may order for the faithful performance of his duties, with one or more approved sureties; and in case a vacancy shall occur in any of the said offices, the board of directors shall elect for the remainder of said term.

§ 7. The board of directors may make such by-laws, from time to time, as they may deem proper and necessary for the management of the corporation, not inconsistent with the constitution and laws of this Commonwealth.

§ 8. There shall be a meeting of the stockholders of the company, at its principal office, on the first Monday of June in each year, at ten o'clock in the morning, to hear the reports of the officers of the company, and to attend to such other business as may require their attention.

§ 9. The board of directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them advisable, at such times as may be deemed expedient, to be paid to the stockholders on demand, in not less than ten days (except at the treasurer's option) after the same shall have been declared.

§ 10. At each annual meeting of the stockholders, and as often as the stockholders may require, the president and directors of the preceding year shall exhibit to them a full and complete statement of the affairs, condition, and proceedings of the company for the preceding year, with such matters as shall be necessary to convey to the stockholders a full knowledge of the condition and affairs of said company.

§ 11. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 12. This act shall take effect from and after its passage.

Approved February 23, 1865.

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CHAPTER 992.

AN ACT to incorporate the Adair Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Isaac Caldwell, W. C. Hite, L. M. Flournoy, S. B. Fields, their associates, assigns, and successors, be, and are hereby, created a body-corporate, by the name, style, and title of the "Adair Oil and Mining Company," and by that name are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain and put in execution all such by-laws, ordinances, and regulations, as shall seem necessary and proper for the conducting and government of said corporation, not inconsistent with the constitution and laws of this State or the United States.

§ 2. The capital stock of said company shall be one million of dollars, to be divided into shares of fifty dollars each; said company may, however, commence operations as soon as twenty-five thousand dollars of said capital stock is subscribed, and ten thousand dollars thereof paid in, and the remaining portion of said stock may be issued and sold by the board of directors of said company at such times as to them may seem best.

§ 3. That said company shall have power to negotiate for, purchase, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, zinc, and other minerals, and in the manufacture of the same, and other products of land now owned by them, or which may be hereafter owned or leased by them; to purchase, build, and own boats and other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transactions; to hold such mining rights and rights of way and real estate as they may deem necessary for a successful prosecution of their business, and the same, or any part thereof, to sell or otherwise dispose of, as the interest of said company may require.

§ 4. For conducting the affairs of said company a board of not less than three nor more than five directors of said company shall be chosen; said board shall choose one of its members, who shall be president of said company; and said board shall serve for one year or until their successors are elected and qualified. The president and directors shall have power to appoint all other officers, agents, and servants, and remove them at pleasure. In all elections each share shall entitle the holder to one vote,

and stockholders may vote by proxy. The stock of said company shall be deemed personal estate.

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§ 5. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure. It shall be lawful for the president and directors of said company, from time to time, to borrow or obtain on loans such sums of money, and on such terms, as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estate, improvements, privileges, effects, and assets of said company for the repayment of such sums of money so borrowed, at such times as may be agreed on.

§ 6. In the event of failure of any stockholder to pay up his stock as called for by order of the board, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

§ 7. Said company shall have, possess, and enjoy all the rights, privileges, and immunities conferred by law in this State upon any other petroleum and manufacturing company chartered for similar purposes; and the right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 8. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 993.

AN ACT to incorporate the Henry, Franklin, and Hart Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That I. N. Webb, James Harlan, jr., and James A. Dawson, and their associates, successors, and assigns, are hereby created a body-politic and corporate, with perpetual succession, under the name and style of "The Henry, Franklin, and Hart Mining and Manufacturing Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in their corporate name, in all courts and places in this Commonwealth; may have and use a common seal, may alter and change the same at pleasure; may purchase and hold real estate, and may lease the same; may sell, transfer, and assign the same to any person or persons, or corporations; may have, hold, and transfer any personal property necessary for the transaction of the business of said corporation; may make such rules and regulations for the government and management of the business of said corporation, from time to time, as may be by them deemed right and proper.

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§ 2. The object of said company is to develop the petroleum, rock, and carbon oils, iron, coal copperas, zinc, and other minerals, lumber and vegetable resources in the State of Kentucky; and to manufacture, refine, and transport the same to market, in crude or refined state; and to this end said company may open oil wells and mines for all manner of minerals, cut and transport to market lumber of all kinds; shall have power to erect all needful work-shops, mills, refineries, furnaces, depots, and other buildings which may be deemed proper for the prosecution of their business; may purchase, construct, and own wharves and landings upon the navigable streams in the Commonwealth; and may improve the navigation of the streams in the State by the erection of dams and locks, and the removal of all manner of obstructions therefrom, subject to the supervision of the Board of Internal Improvement of the State; and when such improvements are made, may charge such rates of toll as are charged on the Kentucky river; may construct boat-yards, build and own all kinds of boats; may construct turnpikes and railroads to and from any of the works or depots of said company, and all points within the State where said company may wish to deliver their products in the raw or manufactured state; and when said turnpikes and railroads are completed, may charge the same rates of toll, per capita and per ton, as may be charged on the Danville and Hustonville turnpike road and upon the Louisville and Nashville railroad for similar improvements.

§ 3. The capital stock of said company shall not exceed ten millions of dollars, and shall be divided into shares of not less than ten dollars each; said stock to be subscribed, paid for, sold, and transferred in such manner as said company may determine by its by-laws and regulations adopted from time to time; the form of certificate and transfer to be fixed by the company, and may be entered on the books of the company; which books shall at all times be open to the inspection of the shareholders; said stocks shall be held and deemed personal property.

§ 4. Said company may, as soon after its organization as is deemed proper, have a meeting of the shareholders, at Frankfort, Kentucky, for the purpose of electing a president and six directors, a treasurer and secretary, and shall give twenty days' notice of the time at which said election shall be held, by publication in the Louisville Daily Journal, or some daily newspaper published in the city of Louisville. The officers thus elected shall hold their offices for one year from the date thereof and until their successors are duly elected. The time of annual elections shall be determined by the president and directors, which action shall be published as aforesaid. All money paid to said

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company shall be paid to the treasurer thereof, who shall execute bond with approved security for the faithful discharge of his duties, and for any breach thereof, may be sued with his securities by the party aggrieved. The principal office of said company shall be kept at such place as the board of directors shall fix, and branch offices may be established within or out of the State of Kentucky, at the discretion of said board. The affairs of said company shall be regulated by the president and directors thereof, who shall have power to fix any and all necessary by-laws and regulations for the government thereof, not inconsistent with the Constitution and laws of this State or of the United States.

§ 5. The treasurer of said company may, under the supervision of the board, deposit the funds of said company in such banks and places as may be deemed safe and secure, or may invest the same in real or personal property, if deemed proper.

§ 6. The liability of shareholders shall be to the extent of stock held by each, and each shall have as many votes in all elections as he holds shares, which votes may be cast by proxy.

§ 7. The board of directors may, from time to time, declare dividends and determine the manner of payment; and all dividends, except those arising from the sale of stocks herein authorized, shall be equally apportioned among the shareholders.

§ 8. The said company shall have all the rights, powers, and privileges which may be conferred by the charter of any similar corporation passed at the present session of the General Assembly and not incorporated specifically herein.

§ 9. This act shall be in force from its passage,

Approved February 23, 1865.

CHAPTER 994.

AN ACT to incorporate the Central Kentucky Green River Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John S. Murphy, Thomas B. Montgomery, T. M. Pennington, J. H. Engleman, Hervey Helm, and Thos. W. Varnon, their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, with perpetual succession, by the name of "The Central Kentucky Green River Petroleum Company," with all the powers and authority incident to corporations or hitherto

1865. granted any corporation within this Commonwealth, for the purposes hereinafter mentioned.

§ 2. That the corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils, salt, &c.; mining coal, iron, zinc, copper, lead, and other minerals; and to refine, manufacture, ship, and vend the same; and to cut, raft, or float the timber from said lands, or build any and all kinds of flats, boats, mills, or other buildings, fixtures, and machinery deemed proper, in order to further the operations of said corporation, or dispose of any portion or portions of its territory or other property deemed advisable, and convey the same by deed or otherwise.

§ 3. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares not less than ten nor more than one hundred dollars each; and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock may be increased if deemed proper.

§ 4. The shares of stock of said company shall be deemed personal estate, and transferable on the books of the company as prescribed by the by-laws of the corporation.

§ 5. The affairs of said company shall be managed by five directors, one of whom shall be president, and all of whom shall be stockholders in said corporation; and the first board shall consist of John S. Murphy, Thomas B. Montgomery, T. M. Pennington, Thomas W. Varnon, and Hervey Helm, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors thus chosen shall continue in office for one year or until their successors are elected; if any one elected shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else; they may adopt such by-laws and rules, and the same to alter, amend, or repeal, from time to time, for the government of the corporation and management of its affairs and business, as they may deem proper, not inconsistent with the constitution and laws of this Commonwealth. The said corporation, or any of them, may open books and receive subscriptions to the capital stock of said company herein incorporated, and give such notice thereof, times, places, &c., as may be deemed proper. Whenever fifty thousand dollars of the capital stock is subscribed and ten per cent. thereof paid in, notice may be given of the time and place of the election of a new board of directors, who shall hold office for one year or until their successors are elected as provided herein; and may make such calls of payment of stock as they may deem proper, not to exceed

twenty per cent. for every thirty days; and in default of payment, the by-laws of said corporation may authorize a forfeiture of stock. They may keep their office at such place or places as they may deem to the interest of the corporation. They may appoint a secretary, treasurer, superintendent, and such other officers and agents as they may deem necessary, with such compensation for services as they may fix, and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary; and may use a common seal, and alter the same at pleasure; sue and be sued, plead and be impleaded, &c.

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§ 6. No banking privileges are granted by this act, and which is to take effect from its passage.

Approved February 23, 1865.

CHAPTER 995.

AN ACT to amend the act incorporating the German Printing Association of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act passed at this session incorporating the German Printing Association of Louisville, be so amended, that the shareholders therein be individually liable for its debts, in the same manner and to the same extent and upon like proceedings, as shareholders in corporations that may be formed under the so-called general manufacturing law, passed March 10th, 1854, are liable under the provisions of that act; and any provision or provisions of the act to which this is an amendment, that may come within its purview, be, and the same are hereby, repealed.

§ 2. This act to be in force from and after its passage.

Approved February 23, 1865.

CHAPTER 996.

AN ACT to amend the charter of the Petroleum Fire and Marine Insurance Company of Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the last clause of section twelve of an act to incorporate the Petroleum Fire and Marine Insurance Company of Campbell county, be, and the same is hereby, repealed, and the said corporation shall be hereafter be known by the name of the "Licking Valley Fire and Marine Insurance Company;" and the capital stock of said company may be, by votes of a majority of the stockhold-

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ers of said company, increased to any amount not exceeding five hundred thousand dollars.

§ 2. This act shall take effect from its passage.

Approved February 23, 1865.

CHAPTER 998.

AN ACT for the benefit of Francis Catron, late Sheriff of Knox County.

WHEREAS, It is represented to this General Assembly, that in the year 1862 the county of Knox was over-run with rebel troops, and that the assessor could not assess the county, and that the assessor drew from the books of 1861 lists of the militia, which was charged to the sheriff of said county, at which time there were four hundred militia in the United States service, and a large portion is yet in the service, from whom it has been impossible to collect said militia tax, fifty cents per head; for remedy, wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Francis Catron, late sheriff of Knox county, have until the first day of June to make out and return such as were in the service as delinquents, and that the Auditor of Public Accounts be, and he is hereby, authorized to give said Catron a credit for the same.

§ 2. This act to be in force from its passage.

Approved February 23, 1865.

CHAPTER 999.

AN ACT for the benefit of W. G. Wade, late Sheriff of Simpson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. G. Wade, late sheriff of Simpson county, be, and he is hereby, released from the payment of interest upon his settlement with the Auditor for the year 1861.

§ 2. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 1001.

AN ACT for the benefit of Demsey King, late Sheriff of Knox County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be, and the same is hereby, given Demsey King, late sheriff of Knox county, to collect his fee bills and uncollected tax, and that he

shall have the same right to distrain as though in office; and shall be subject to all the penalties imposed upon sheriffs for collecting illegal fee bills, &c. 1865.

§ 2. This act to be in force from its passage.

Approved February 23, 1865.

CHAPTER 1002.

AN ACT for the benefit of H. L. Anderson, of Graves County.

WHEREAS, On the 16th day of December, 1857, H. L. Anderson entered, in the land office at Mayfield, the fractional part of section fourteen, township two, range five west, containing fifty-four acres; and at the same time and place, the fractional part of section twenty-three of the same township and range, containing sixty-five acres; and whereas, at the time of said entries, and unknown to said Anderson, there were actual settlers upon said parts of fractional sections entered as aforesaid, who, upon the trial of the question of occupancy in the Fulton circuit court, defeated the title conveyed to the said H. L. Anderson by the State of Kentucky; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and is hereby, authorized and directed to draw his warrant in favor of H. L. Anderson, for the sum of fourteen dollars and eighty-seven and one half cents, to be paid out of any moneys arising from the sale of vacant lands in this State not otherwise appropriated, or which may hereafter arise.

§ 2. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 1003.

AN ACT for the benefit of R. R. Jones, late Sheriff of Meade County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That two years, from and after the passage of this act, shall be given to R. R. Jones, late sheriff of Meade county, to list and collect his uncollected fee bills and taxes, under the penalties now prescribed by law; and said fee bills and taxes now remaining uncollected shall have distrainable force for and during the two years aforesaid.

§ 2. This act to take effect from its passage.

Approved February 23, 1865.

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CHAPTER 1004.

AN ACT for the benefit of Joe. McCarroll, Sheriff of Christian County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is authorized, upon the payment of the costs of a judgment of the Franklin circuit court in favor of the Commonwealth against Joe. McCarroll, sheriff of Christian county, and his sureties, for the revenue of 1864, to release the interest and damages embraced and recovered in said judgment; the said McCarroll having paid into the Treasury the full amount of the principal of said judgment.

§ 2. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 1005.

AN ACT for the benefit of James Wood, of Nelson County.

WHEREAS, It is represented and shown that James Wood, who was sheriff of Nelson county in the year 1863, was robbed by the guerrillas of the sum of fifty dollars, part of the revenue of said county for said year; and he having paid the full revenue for said year into the treasury of State, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of the State is hereby directed and required to draw his warrant on the Treasurer in favor of James Wood, of Nelson county, for the sum of fifty dollars, to be paid out of any moneys not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved February 23, 1865.

CHAPTER 1006.

AN ACT for the benefit of J. C. Burchitt, Sheriff of Clinton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff, J. C. Burchitt, of Clinton county, for the year 1864, be allowed until the first day of November, 1865, to make and return his delinquent list for said county; and when made out and allowed by the county court, the Auditor is directed to allow him credit therefor on settlement of his account for 1864.

§ 2. The said Burchitt is also allowed until the first day of November, 1865, to return the delinquent poll tax for

said county for the year 1864, and the county court is directed to allow him credit thereby.

1865.

§ 3. This act to take effect from the date of its passage.

Approved February 23, 1865.

CHAPTER 1008.

AN ACT for the benefit of Green W. Beard, late Sheriff of Breckinridge County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of Green W. Beard, late sheriff of Breckinridge county, for the sum of \$250, which amount was taken by guerrillas from his deputy, and paid by him into the Treasury with his private funds.

§ 2. This act to be in force from its passage.

Approved February 23, 1865.

CHAPTER 1009.

AN ACT for the benefit of J. J. Wood, late Sheriff of Clinton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. J. Wood, late sheriff of Clinton, shall have until the first day of June, 1865, to make out and return a delinquent list for the year 1861; and the Auditor is directed, when the same shall be allowed by the county court of Clinton county, to allow the said Wood a credit therefor on final settlement of his revenue for said year.

§ 2. The county court is directed to allow said Wood until the first day of June, 1865, to make out and return a delinquent poll tax list for said years 1861 and 1862, and to enter him credit thereby on the county levy account.

§ 3. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 1011.

AN ACT allowing further time to the Assessor of Taylor County to return his list of taxable property for the year 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. J. Colvin, assessor for Taylor county, shall have till the first day of July, 1865, in which to return his list of taxable property to the clerk of the county court of

1865.

said county; and if said list of taxable property shall have been legally and carefully made out, and duly returned to said clerk of the county court on or before the time above specified, said assessor shall not be liable to the penalty now provided by law for a failure to return his list by the first day of May of each year.

§ 2. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 1012.

AN ACT for the benefit of James H. Williamson, late Sheriff of Boyle County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James H. Williamson, late sheriff of Boyle county, have the further time of two years, from the passage of this act, to collect, by distress, the fees and taxes due him as said sheriff for the years 1859 and 1860; but will be responsible for all illegal distraints and collections.

§ 2. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 1013.

AN ACT to revive and amend an act, entitled "An act to incorporate the Barren River Navigation and Manufacturing Company," approved February 6, 1846.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act referred to, be, and the same is hereby, revived; and that T. C. Calvert, H. H. Shiles, George C. Rogers, Elijah Claypool, Wm. Vanmeter, John Burnam, James T. Donaldson, and Jeremiah C. Wilkins, be, and they are hereby, appointed commissioners to open books and receive subscriptions for the capital stock of said company, and to superintend the election of the first board of president and directors; and any three of them shall be competent to exercise the powers and perform the duties required by this section; and they may, at any time within two years from the passage of this act, open the books in the town of Bowling Green for the subscription of stock in said company, and shall keep the same open until at least seven hundred and fifty shares shall have been subscribed; when that number of shares have been subscribed, the commissioners shall cause an election to be held for the first board of directors, in pursuance of the provisions of the fifteenth section of said act, except that the notice required in said section need not be published in any newspaper,

but may be posted up at three of the most public places in said town.

1865.

§ 2. That it shall be lawful for said company to apply its funds to the accomplishment of any one or more of the objects contemplated by the said act, to-wit: either the erection of water-works to supply said town with water, or the erection of a bridge across Big Barren river, below Van-meter's ferry, without being connected with a dam, or the erection of a dam and lock, and houses for manufacturing purposes, provided the same shall not interfere with the navigation of said river.

§ 3. That after said company is organized by the election of the first board of directors, it shall be their duty to begin the construction of one or more of the works they are authorized to erect within one year next after their election, and proceed so as to accomplish and complete the same within five years after the work is commenced; and if the work is not commenced and completed within the times prescribed in this section, all the rights and privileges granted by said act and the charter of said company, shall be null and void.

§ 4. This act shall take effect from and after its passage.

Approved February 23, 1865.

CHAPTER 1014.

AN ACT for the benefit of Rosa, a Slave.

• WHEREAS, James Bond, a free man of color, late of Lyon county, died possessed of a small personal estate, and leaving a child named Rosa, a slave, the property of Woods, Lewis & Co., of said county; and whereas, said Rosa, as a slave, cannot inherit and take to her use the said property; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Rosa is made capable of inheriting and taking the said property of her father, James Bond, after payment of his debts and expenses; and the owners of the said Rosa are hereby made trustees, and made capable to sue and recover and take possession of the said property for the use and benefit of the said Rosa, and shall give bond with approved security before the county court of Lyon county payable to the Commonwealth of Kentucky, and conditioned that they will faithfully apply said fund for the benefit of said Rosa, under the supervision of said county court.

§ 2. This act shall take effect from its passage.

Approved February 23, 1865.

1865.

CHAPTER 1015.

AN ACT to repeal an act incorporating the Hamilton and Big Bone Church Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Hamilton and Big Bone Church turnpike road company," be, and the same is hereby, repealed.

§ 2. This act shall be in force from its passage.

Approved February 23, 1865.

CHAPTER 1016.

AN ACT to incorporate the Kentucky Scientific Mining and Geological Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and
corporate pow-
ers.

§ 1. That F. M. Webster, S. L. Massey, J. D. Hinde, and Jacob Hawthorn, or such of them as shall act, their associates, successors, or assigns, be, and are hereby, created a body corporate and politic, by the name of "The Kentucky Scientific Mining and Geological Association," with perpetual succession, and full power to contract and be contracted with, sue and be sued; and to acquire by purchase, conveyance, lease, bequest, donation, or other lawful mode, and the same to hold, use, and enjoy, any real or personal property which the association may deem proper; and the same or any part thereof to sell, convey, lease, assign, transfer, or otherwise dispose of; and with power of exploring for minerals or other valuable materials; and making surveys, charts, or maps of mineral lands; and of mining and manufacturing, refining, analyzing, or assaying any minerals or other substances obtained from the earth by mining, boring, or otherwise; or that shall be discovered by the process of refining, analyzing, or assaying of said materials, and of disposing of the products of the labors of the association; and generally to do and perform for the well-being of said corporation whatsoever the board of directors may deem necessary, or shall lawfully pertain to such corporate bodies; and may have and use a corporate seal.

First board of
directors.

Capital stock.

§ 2. The above named corporators, or a majority of them, shall be deemed competent to organize said association, and shall constitute the first board of directors for the same, with full power to appropriate, sell, or dispose of the capital stock of said association, in such manner, and on such terms and conditions, as they may deem advisable, and to manage and control all the business of the corporation, and shall hold their office until their suc-

cessors shall be elected and qualified; the capital stock shall not exceed, at the date of organization, the sum of \$300,000; but may thereafter be increased, from time to time, as the board of directors may deem necessary, to not more than \$600,000; and the capital stock shall be divided into shares of (\$20) twenty dollars each.

1865.

§ 3. The business of the association shall be conducted by four directors, one of whom shall be elected by the directors president; and they may appoint under them and employ such other officers, agents, scientific gentlemen, mechanics, artisans, and laborers as in the opinion of the directors the wants of the association may demand, and fix their compensation; the directors shall hold their office for one year, and until their successors are duly elected and qualified; the president and board of directors shall make such by-laws, rules, and regulations as they may deem necessary for faithfully carrying out the objects and intentions of this association, and as shall give full force and effect to all the provisions of this charter.

Who to manage business.

Officers to be appointed.

Term of office.

May make by-laws.

May borrow money.

§ 4. The president and board of directors of said association shall have power to borrow money, not exceeding two thirds of the capital stock of the association, and at a rate of interest not exceeding ten per cent. per annum, and may mortgage or pledge any part of the property and effects of the corporation for the faithful payment of the same, including principal and interest; to loan money, buy and sell notes, mortgages, bonds, and other securities and evidences of debt; but shall not in any manner engage in the business of banking, or issue any notes as a circulating medium.

Elections—when held.

§ 5. Elections shall be held for directors at such times and places, and under such by-laws and rules, as shall be established by the board of directors; the board may appoint a secretary and treasurer, and require and take of each bonds with approved security for the faithful performance of all the duties pertaining to said offices.

§ 6. This act shall take effect and be in full force from and after its passage.

Approved February 23, 1865.

CHAPTER 1017.

AN ACT to incorporate the Monticello Oil and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. E. Ingram, W. S. Shepperd, L. M. Flournoy, Wm. McKee Fox, and F. F. Shepperd, their associates, successors, and assigns, be, and they are hereby, created a

Corporators' names, and corporate powers.

1865.

body-politic, by the name, title, and style of "The Monticello Oil and Manufacturing Company," and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and proper for the conducting and government of said corporation, not inconsistent with the Constitution and laws of this State or the United States.

Capital stock.

§ 2. The capital stock of said company shall be one million of dollars, to be divided into shares of fifty dollars each; said company may, however, commence operations as soon as twenty-five thousand dollars of said capital stock is subscribed, and ten thousand dollars thereof paid in; and the remaining portion of said stock may be issued and sold by the board of directors of said company at such times as to them may seem best.

May hold real estate.

§ 3. That said company shall have power to purchase, negotiate for, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, and other minerals, and in the manufacture of the same and other products of the land now owned by them, or which may hereafter be owned or leased by them; to purchase, own, and build boats and other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transaction; to hold such mining rights, and rights of way and real estate, as they may deem necessary for a successful prosecution of their business; and the same or any part thereof to sell or otherwise dispose of as the interest of said company may require.

Business of corporation.

Who to manage affairs of corporation.

§ 4. For conducting the affairs of said company a board of not less than three nor more than five directors of said company shall be chosen; said board shall choose one of its members who shall be president of said company; and said board shall serve for one year, or until their successors are elected and qualified; the president and directors shall have power to appoint all other officers, agents, and servants, and to remove them at pleasure; in all elections each share shall entitle the holder to one vote, and stockholders may vote by proxy; the stock of said company shall be deemed personal estate.

May open books.

§ 5. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure.

May borrow money.

§ 6. That it shall be lawful for the president and directors of said company, from time to time, to borrow or

obtain on loans such sums of money, and on such terms, as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estate, improvements, privileges, effects, and assets of said company for the repayment of such sums of money so borrowed, at such time as may be agreed on.

1865.

§ 7. In the event of failure of any stockholder to pay up his stock as called for by the order of the company, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

Stock may be forfeited.

§ 8. Said company shall have, possess, and enjoy, all the rights, powers, privileges, and immunities conferred by law in this State upon any other petroleum and manufacturing company chartered for similar purposes.

Privileges of corporation.

§ 9. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 10. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 1018.

AN ACT to incorporate the Lewis County Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John R. Morton, John McLean, Jas. R. Hawley, John G. Wells, Robert E. J. Miles, L. Barney, and E. L. VanWinkle, their associates, successors, and assigns, are hereby created a body-politic and corporate, with perpetual succession, under the name and style of the "Lewis County Petroleum Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in their corporate name, in all the courts; may have and use a common seal; may alter and change the same at pleasure; may purchase and hold lands, and leases upon the same; may sell, convey, transfer, and assign the same to any person or persons or corporations; may have, hold, and transfer any personal property necessary for the transaction of their business; may make such rules and regulations for the government and management of the business of the company, from time to time, as may be deemed right and proper.

Corporators' names, and corporate powers.

§ 2. The object of said company is to develop the petroleum, rock, and carbon oils, iron, coal, and other minerals, lumber, and vegetable resources of the county of Lewis, Kentucky, and counties adjoining, and in other parts of the State of Kentucky in which they may own or acquire mineral lands, or leases upon the same, for development; may manufacture any and all minerals, oils, and other sub-

Business of corporation.

1865.

stances ; transport the same to eligible markets in the crude or manufactured state ; and to this end the said company may open oil wells and mines for all manner of minerals upon their lands ; cut and transport to market lumber of all kinds ; shall have power to erect all manner of workshops, mills, refineries, furnaces, depots, and other buildings which may be deemed proper for the prosecution of their business ; may purchase, contract, and own wharves and landings upon such streams as pass through or border upon their lands, and may improve the navigation of said streams, subject to the supervision of the Board of Internal Improvement of the State ; may construct boat yards, build and own all kinds of boats ; may construct turnpikes and railroads to and from any of the works or depots of said company to any and all points within the State where said company may wish to deliver their products in the raw or manufactured state ; and when said turnpikes and railroads are complete, may charge the same rates per capita and per ton as may be charged on the Danville and Hustonville turnpike road and upon the Louisville and Nashville railroad, for similar improvements.

Shares of
stock, &c.

§ 3. That the owners of the lands and leases shall be considered as the original stockholders, and said lands and leases shall be represented by five hundred shares of one thousand dollars each, and shall be sold at their par value, unless otherwise agreed by said original stockholders ; certificates for said shares may be issued, and each certificate shall admit those to whom they are issued to the absolute ownership of such undivided part of the real estate and other property of the company as such certificate may call for on the face thereof, and which shall constitute the basis of organization of said Lewis County Petroleum Company ; said certificates shall be signed by the president and secretary of the company, with the seal of the company affixed, and shall be admitted to record without further proof or acknowledgment, and the holders thereof shall stand in the attitude of trustees for new stock issued.

Capital stock.

§ 4. The capital stock of said company shall not exceed five millions of dollars, and shall be divided into shares of not less than ten dollars each, one half of which may be sold at fifty cents per hundred, and the balance at par, if said company shall so elect ; said stocks to be paid for in such manner as said company may determine by its by-laws and regulations adopted from time to time ; said shares may be transferred in such manner as the company may direct ; the form thereof may be determined by the company, and may be entered upon the books of said company, which books shall at all times be open to the inspec-

tion of the shareholders; said stocks shall be held and deemed personal property.

1865.

§ 5. Said company may, as soon after its organization as they may deem proper, have a meeting of the shareholders at Vanceburg, Kentucky, for the purpose of electing a president and seven directors, a vice president, secretary, and treasurer, and shall give twenty days' notice of the time at which said election shall be held; the officers so elected shall hold their offices for one year and until their successors are duly elected; the time of annual elections shall be determined by the president and directors, which action shall be published in one of the leading newspapers having the largest circulation in said town of Vanceburg for twenty days before said election is held. All moneys paid to said company shall be paid to the treasurer thereof, who shall execute a bond with approved security for the faithful discharge of his duties; and for any breach thereof he may be sued by the party aggrieved; the principal office of said company shall be at Vanceburg, and it may have branch offices outside the State. The affairs of said company shall be regulated by the president and directors thereof.

President, directors, & other officers elected.

Term of office.

Annual elections.

Money paid to treasurer.

Principal office.

§ 6. No banking privileges are allowed said company, and no power is conferred to make any by-law or regulation inconsistent with the laws of the United States or of the State of Kentucky.

No banking powers.

§ 7. The treasurer of said company, under the supervision of the board of directors, may deposit the funds of the company in such banks and places as may be deemed safe and secure; may invest the same in real or personal property, subject to the conditions embraced in the sixth section of this act.

May deposit money in bank, &c.

§ 8. The liability of shareholders shall be to the extent of stock held by each, and each shall have as many votes in all elections as he owns shares.

Liability of stockholders.

§ 9. The board of directors may, from time to time, declare dividends, and determine the manner of payment; and all dividends, except those arising from the sale of stocks herein authorized, shall be equally apportioned among the stockholders according to the shares held by each.

Declare dividends.

§ 10. This act shall take effect from its passage.

Approved February 23, 1865.

1865.

CHAPTER 1019.

AN ACT to incorporate the Barren County Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:.

Corporators'
names, and cor-
porate powers.

§ 1. That J. D. Allen, Jacob F. Weller, E. S. Graham, and Pack Thomas, their associates, successors, and assigns, be, and they are hereby, constituted a body corporate and politic, by the name, style, and title of the "Barren County Oil Company," and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain, establish, and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government of said corporation, not being contrary to law.

Capital stock.

§ 2. The capital stock of said company shall be one hundred and fifty thousand dollars, to be divided into shares of two dollars each; said company may, however, commence operations as soon as ten thousand dollars of said capital stock shall be subscribed, and five thousand dollars thereof paid in; and the remaining portion of said capital stock may be issued and sold by the board of directors of said company at such times as may seem to them best.

May hold real
estate.

Business of
corporation.

§ 3. The said company shall have the power to purchase, negotiate for, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, and all other minerals, and in the manufacture of the same and other products of lands now owned by them, or which may hereafter be owned by them; to purchase, build, and own boats, and other necessary machinery and implements for carrying on said business; to erect all necessary buildings for its transaction; to hold such mining rights, and rights of way and real estate, as they may deem necessary for the successful prosecution of their business, and the same or any part thereof to sell, or otherwise to dispose of, as the interests of said company may require.

Who to man-
age affairs of
corporation.

§ 4. For conducting the affairs of said company a board of five directors shall be chosen; said board shall choose one of its number president of said company; and said board shall serve for one year, or until their successors are elected and qualified; the president and directors shall have the power to appoint all officers, agents, and servants under them, and to remove them at pleasure; in all elections each share shall entitle the holder to one vote, and stockholders may vote by proxy.

Stock personal
estate.

§ 5. The stock of said company shall be deemed personal estate.

§ 6. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure: *Provided, however,* That the stock at no time shall exceed the maximum amount herein named.

1865.

May open books.

§ 7. That it shall be lawful for the president and directors of said company, from time to time, and at all times, to borrow or obtain on loans such sums of money, and on such terms, as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estates, improvements, privileges, effects, and assets of said company for the repayment of said sums of money so borrowed, at such times as may be agreed upon.

May borrow money.

§ 8. In the event of a failure on the part of any stockholder to pay up his stock, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

Stock may be forfeited.

§ 9. Said company shall have, possess, and enjoy all rights, powers, privileges, and immunities conferred by law in this State upon any other company chartered for similar purposes, and the right to alter, amend, or repeal this charter is reserved to the General Assembly.

Privileges of corporation.

§ 10. This act shall take effect from its passage.

Approved February 23, 1865.

CHAPTER 1020.

AN ACT to incorporate the Petrolia Gas and Oil Refining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. T. Boyle, J. B. Smith, A. H. Hager, B. H. Bristow, A. G. Story, O. Ladue, R. Ball, Z. M. Shirley, J. G. Barrett, and their successors, be, and they are hereby, created a body corporate and politic, by the name of "The Petrolia Gas and Oil Refining Company," for the term of thirty years, with all the powers and authority incident to corporations; to make and to have a common seal, and the same to alter and renew at pleasure; to sue and be sued; to be capable by their corporate name of purchasing, holding, and conveying any estate, real or personal, necessary to enable them to carry on the objects of their incorporation as hereinafter mentioned.

Corporators' names, and corporate powers.

§ 2. The corporation is hereby authorized to bore, dig, or mine for petroleum or rock oil, coal, salt, or other minerals, and manufacture, make, and vend gas, and refine and vend oil, on any lands within the State of Kentucky owned or held by said company, in fee simple or on lease.

Business of corporation.

§ 3. The capital stock of said company shall be one million dollars, to be divided into shares of not less than

Capital stock.

1865.

ten dollars and more than one hundred dollars each; to be issued and transferred in such manner, and upon such conditions, as the board of directors of said company may determine; and the amount of the said capital stock may be increased at any time by a vote of the stockholders of the said company, at a meeting called for the purpose.

Who to manage
affairs of cor-
poration.

President.

Director to be
stockholder.

First board of
directors.

Term of office.

Vacancies.

May make by-
laws.

May open
books.

May erect
warehouses, &c.

May open of-
fices at differ-
ent places.

§ 4. The affairs of said company shall be managed by a board of nine directors, a majority of whom shall constitute a quorum for the transaction of business; the said directors shall elect one of their number to be president of the company; and no person shall be a director in said company unless he be at the same time a stockholder therein; the first board of directors shall consist of J. T. Boyle, B. H. Bristow, A. A. Hager, J. B. Smith, A. G. Story, O. Ladue, R. Ball, Z. M. Shirley, J. G. Barrett, who shall continue in office until their successors shall be elected by a majority in interest of the stockholders of said company; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected and qualified; if any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else; they may adopt such by-laws, rules, and regulations for the government of said company, and the management of its affairs and business, as they may deem proper, not inconsistent with the laws of the State; the said corporators, or any of them, may open books of subscription, and receive subscriptions to the capital stock of "The Petrolia Gas and Oil Refining Company" herein incorporated; and such books of subscription may be opened and subscriptions received, at such times and places, and upon such notices thereof, as any three of said corporators may deem right and proper.

§ 5. The said company are further authorized to erect proper warehouses and other buildings and machinery for the storage, refining, and bonding of petroleum, and the storage of coal and other minerals, and manufacturing gas at such place or places as may be necessary for the prosecution of their business, and to provide for the transportation of oil, coal, or other minerals to market; and for this purpose the said company are hereby invested with the right to acquire land necessary for the right of way for such roads and other improvements in the same manner that turnpike road companies are authorized to acquire the right of way by the Revised Statutes of Kentucky.

§ 6. The board of directors of said company are hereby authorized to open offices for the conduct of their business at such place or places as they may deem proper; and to make such rules to regulate the issuing and trans-

fer of stock at their principal office as they may deem proper. 1865.

§ 7. This act shall take effect from its passage.

Approved February 23, 1865.

CHAPTER 1021.

AN ACT to incorporate the Ohio Valley Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky;

§ 1. That D. R. Murray, Thos. T. Crittenden, E. H. Murray, R. R. Pierce, L. C. Murray, Geo. F. White, J. H. Caldwell, Jas. Phelps, F. C. Johnson, H. A. Phelps, John C. Durrett, and their successors, be, and they are hereby, created a body corporate and politic, by the name of the "Ohio Valley Oil and Mining, Company," for the term of fifty years, with all the powers and authority incident to corporations, for the purposes hereinafter mentioned.

Corporators' names, and corporate powers.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple or by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

May purchase & hold lands.

§ 3. The capital stock of the Ohio Valley Oil and Mining Company shall be five hundred thousand dollars, and shall be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock of said company may be increased by the board of directors if deemed necessary.

Capital stock.

§ 4. The affairs of said company shall be managed by the board of directors hereinbefore named, one of whom shall be president, and all of whom shall be stockholders in said corporation; the first board of directors shall consist of D. R. Murray, Thos. T. Crittenden, E. H. Murray, R. R. Pierce, L. C. Murray, Geo. F. White, J. H. Caldwell, Jas. Phelps, F. C. Johnson, H. A. Phelps, and John C. Durrett, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year or until their successors are elected. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules for the government of the corporation and management of its affairs and business as they may deem proper, not inconsistent with the Constitution and laws of the State. The said corporators, or any of them, may open books of subscription and receive sub-

Who to manage affairs.

Term of office.

Vacancies.

May make by-laws.

May open books.

1865.

scriptions to the capital stock of said company herein incorporated; and books of subscription may be opened and subscriptions received at such times and places, and upon such notices thereof, as any three of said incorporators may deem proper.

Not to own property exceeding the capital stock.
When directors to be elected.

Vacancies.

Where may keep office.

Officers to be appointed.

§ 5. The said Ohio Valley Oil and Mining Company shall not own, in fee simple or by lease, lands exceeding in value five hundred thousand dollars, the capital stock of the company. Whenever one hundred thousand dollars of the capital stock is subscribed and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year and as provided herein. The board of directors of said corporation may fill vacancies occasioned by death, resignation, or otherwise; and may make such calls of payment of stock as they deem proper, not to exceed twenty per cent. for every thirty days. They may keep their office at such place or places as they deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and other officers as they may deem necessary, with such compensation for services as they may fix; and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary.

Approved February 23, 1865.

CHAPTER 1022.

AN ACT to incorporate the Cumberland River Coal Company, of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That L. M. Flournoy, S. S. Bush, J. M. Bryant, and Moses Brown, and their successors, he, and they are hereby, created a body corporate and politic, by the name of the "Cumberland River Coal Company, of Kentucky," for the term of thirty years, with all the powers and authority to corporations, for the purposes hereinafter mentioned.

May hold lands.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining for coal, and boring for petroleum and other oils and minerals, and to refine and vend the same.

Capital stock.

§ 3. The capital stock of the Cumberland River Coal Company, of Kentucky, shall be one million of dollars (\$1,000,000), and shall be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

§ 4. The affairs of said company shall be managed by four directors, one of whom shall be president, all of whom shall be stockholders in said corporation; the first board of directors shall consist of L. M. Flournoy, S. S. Bush, J. M. Bryant, and Moses Brown, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected; if any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else; they may adopt such by-laws and rules for the government of the corporation, and management of its affairs and business, as they deem proper, not inconsistent with the constitution and laws of the State. The said corporators, or any of them, may open books of subscription and receive subscription to the capital stock of said company herein incorporated; and books of subscription may be opened and subscriptions received, at such times and places, and upon such notices thereof, as any three of said incorporators may deem right and proper.

1865.

Who to manage affairs of corporation.

First board of directors.

Term of office.

Vacancies.

May make by-laws.

May open books.

§ 5. The said Cumberland River Coal Company, of Kentucky, shall not own in fee simple and by lease lands exceeding in value one million dollars, the capital stock of the company. Whenever one hundred thousand dollars of the capital stock is subscribed and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year, and as provided herein; the board of directors of said corporation may fill all vacancies occasioned by death, or resignation, or otherwise; and may make such calls of payment of stock as they deem proper, not exceeding twenty per cent. for every thirty days; they may keep their office at such place or places as they deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and other officers as they may deem necessary, with such compensation for services as they may fix; and by their by-laws regulate and fix the mode of keeping their books as may be deemed necessary.

Not to own property exceeding the capital stock.

When to hold election.

Vacancies.

Calls on stock.

Where to keep office.

Officers to be appointed.

§ 6. This act shall take effect from its passage.

Approved February 23, 1865.

1865.

CHAPTER 1023.

AN ACT to amend the charter of the Frankfort and Lawrenceburg Turnpike Road Company.

WHEREAS, It is represented to the present General Assembly that the Frankfort and Lawrenceburg turnpike company have made and now own nine miles and three quarters in length of road, and the same being an expensive one to keep in repair, that the company are in debt for building the same in part, and for the construction of three large stone culverts recently, and others yet to be built to render said road safe and complete, having made no dividends, and the present rates of tolls being insufficient to keep up the road; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said company be authorized hereafter to demand and receive the following tolls at their gate erected near the town limits of South Frankfort, viz: Each buggy or gig drawn by one animal, twenty cents; each buggy or gig drawn by two animals, fifty cents; each carriage drawn by one animal, twenty-five cents; each carriage drawn by two animals, fifty cents; each carriage drawn by four animals, sixty cents; each stage drawn by two animals, six passengers, sixty-five cents; each stage drawn by four animals, nine passengers, one dollar; each stage drawn by four animals, twelve passengers, one dollar and thirty-five cents; each omnibus drawn by two animals, sixty-five cents; each omnibus drawn by four animals, one dollar; each dray or cart drawn by one animal, twenty-five cents; each dray or cart drawn by two animals, fifty cents; each spring wagon drawn by one animal, twenty-five cents; each spring wagon drawn by two animals, fifty cents; each ox cart drawn by two animals, twenty-five cents; each ox cart drawn by four animals, fifty cents; each wagon drawn by one animal, twenty-five cents; each wagon drawn by two animals, sixty cents; each wagon drawn by three animals, seventy-five cents; each wagon drawn by four animals, one dollar; each wagon drawn by five animals, one dollar and twenty-five cents; each wagon drawn by six animals, one dollar and forty cents: *Provided*, Each dray, cart, spring wagon, ox cart, and wagon, being empty, shall only be required to pay one half of the above tolls. For each horse, mare, mule, jack, or jennet, ten cents; for each head of fat cattle, five cents; for each head of stock cattle, three cents; for each head of stock hogs, two cents; for each head of fat hogs, three cents; for each head of sheep, one cent.

§ 2. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved February 23, 1865.

CHAPTER 1024.

1865.

AN ACT to amend the charter of the Nolin Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Nolin Mining and Manufacturing Company," approved March the 10th, 1854, be, and the same is hereby, amended so as to substitute the names of Wm. L. Conklin, Edwin Thomas, and John Chapeze for the names of James H. Wortham, John Boyd Smith, N. G. Westlen, D. G. Driesbach, and Josiah Fowler; and that said corporation shall be revived, with the powers and privileges granted in the original act; and the said company shall have power to open oil wells for petroleum, rock, and carbon oils upon all lands and leases which they may own or which they may hereafter procure.

§ 2. This act shall take effect from its passage.

Approved February 23, 1865

CHAPTER 1025.

AN ACT to incorporate the Essex Oil and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John B. Smith, John R. Thomas, W. C. Hite, and L. M. Flournoy, their associates, successors, and assigns, be, and they are hereby, constituted a body-politic, by the name, style, and title of the "Essex Oil and Manufacturing Company," and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain and put in execution all such by-laws, ordinances, and regulations, as shall seem necessary and proper for the conducting and government of said corporation, not inconsistent with the constitution and laws of this State or the United States.

Corporators' names, and corporate powers.

§ 2. The capital stock of said company shall be one million dollars, to be divided into shares of one hundred dollars each; said company may, however, commence operation as soon as twenty-five thousand dollars of said capital stock is subscribed, and ten thousand dollars thereof paid in; and the remaining portion of said stock may be issued and sold by the board of directors of said company at such times as to them may seem best.

Capital stock.

§ 3. The said company shall have power to purchase, negotiate for, and hold as much real estate as they may

May hold real estate.

1865.

Business of
corporation.

deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, and other minerals, and in the manufacture of the same, and other products of lands now owned by them, or which may be hereafter owned or leased by them; to purchase, own, and build boats and other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transaction; to hold such mining rights and rights of way and real estate as they may deem necessary for a successful prosecution of their business, and the same, or any part thereof, to sell or otherwise dispose of, as the interest of said company may require.

Who to man-
age affairs of
corporation.

§ 4. For conducting the affairs of said company a board of not less than three nor more than five directors of said company shall be chosen; said board shall choose one of its members, who shall be president of said company; and said board shall serve for one year or until their successors are elected and qualified. The president and directors shall have power to appoint all other officers, agents, and servants, and to remove them at pleasure. In all elections each share shall entitle the holder to one vote, and stockholders may vote by proxy. The stock of said company shall be deemed personal estate.

Officers to be
appointed.How stock
voted.Stock personal
estate.Books to be
opened.

§ 5. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure: *Provided, however,* That the stock at no time shall exceed the maximum amount herein named.

May borrow
money.

§ 6. That it shall be lawful for the president and directors of said company, from time to time, to borrow or obtain on loans such sums of money, and on such terms, as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estate, improvements or privileges, effects, and assets of said company for the repayment of such sums of money so borrowed, at such times as may be agreed on.

Stock may be
forfeited.

§ 7. In the event of failure of any stockholder to pay up his stock as called for by the order of the company, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

§ 8. Said company shall have, possess, and enjoy all the rights, powers, privileges, and immunities conferred by law in this State upon any other petroleum and manufacturing company chartered for similar purposes.

§ 9. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 1026.

1865.

AN ACT to incorporate the Creelsboro Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel B. Field, William Bramlette, and E. L. VanWinkle, their associates, successors, and assigns, are created a body-politic and corporate, with perpetual succession, and all the powers usual and incident to ordinary corporations for similar purposes, with the right to have and use a common seal, sue and be sued, contract and be contracted with, plead and be impleaded, in their corporate name in all courts.

Corporators' names, and corporate powers.

§ 2. The name and style of said corporation shall be "Creelsboro Petroleum Company;" and in that name may purchase, own, hold, sell, and convey real estate, leases, and interests in lands; may dispose of the same to any person or persons or corporations; may have, own, and control any personal property necessary for the transaction of their business; and may make all necessary rules and regulations for the government and management of their affairs, from time to time, not inconsistent with the laws of the United States and of the State of Kentucky.

Name & style, & further powers.

§ 3. The object of said corporation is the development of the petroleum, carbon, and rock oils, coal and other minerals, in Russell, Clinton, and adjoining counties; and to this end said company shall have power to open oil wells, coal mines, copper, zinc, and other mineral lands owned by the said company, or upon lands upon which they have or may procure leases or privileges from the owners to use for any of said purposes; may erect all manner of work-shops, refineries, and other buildings; erect furnaces, depots, and all necessary improvements for the prosecution of the objects above mentioned; may have and own wharves, boat landings, and all manner of boats; may work said minerals and transport the same to eligible markets, in the crude or manufactured state; may improve the navigation of the streams passing through or upon the border of their lands; may make railroads and turnpikes to and from all their depots and mines to such points and places as they may deem necessary for marketing the products of their labor; but where the right of way over the lands of others has not been first obtained, shall have the lands over which said roads pass condemned by regular proceedings under writs of *ad quod damnum*, and pay or tender the assessment to those to whom damages may be awarded.

Business of corporation.

§ 4. The owners of the lands and leases shall be regarded as the original stockholders; and the lands placed in said company as the basis of organization shall be repre-

Stockholders.

1865.

sented by one thousand shares, of five hundred dollars each; each share thus representing one thousandth part of said lands and leases, and shall admit the holder thereof to the absolute ownership of that part of the same, which shall be stated on the face thereof; and said shares shall be signed by the president and secretary of said company, with the seal affixed, and shall be admitted to record without further proof or acknowledgment; the holders of such stock shall stand in the attitude of trustees for all new stock issued.

Capital stock.

§ 5. The capital stock of said company shall not exceed five millions of dollars, and may be divided into stocks or shares not less than ten dollars each; and the original stocks shall not be sold for less than par without the consent of the original stockholders; the other stocks or shares may be sold at such rates as the company may, from time to time, determine; the liability of the shareholders shall be co-extensive with the stock held by each; and in all elections shall have one vote for each share held in said company.

Company to
organize—how
and when.

§ 6. The company may organize at such time and place as they may determine, by the election of a president and five directors, a secretary and treasurer, each of which shall continue in office for one year and until their successors are elected; and an annual election shall be held thereafter, except when the same occurs on Sunday, when the election shall be held the succeeding day; said president and directors may fill vacancies in their body, and shall order special elections when from any cause the annual elections are not held; shall have power to make all needful regulations for the conducting of the business of said company, and to fill other vacancies.

Vacancies.

Regulations.

Treasurer—his
duties, &c.

§ 7. The treasurer shall execute bond, with approved security, for the faithful discharge of his duty; and it shall be his duty to receive all moneys due said company, and hold the same subject to the order of the board of directors, and pay the same out as they may direct, and under said supervision may deposit the same in banks and other safe places of deposit, and may invest the same in the name of the company in real or personal property: *Provided*, That no banking privileges are allowed said company; the treasurer shall be liable upon his said bond to any person aggrieved, and any action thereon shall not bar future suits for breaches of the same.

Principal office.

Elections—
where held.

Branch offices.

§ 8. The principal office of said company shall be fixed by the board of directors, and may be changed from time to time as the stockholders may determine. All elections shall be held at the principal office, and shareholders may vote in person or by proxy; said company may have branch offices outside of the State of Kentucky, but under

the supervisory control of the board of directors; no person shall be a member of said board who is not a stockholder in said company.

1865.

Directors to be stockholders.

§ 9. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 1027.

AN ACT to incorporate the Allan Petroleum, Salt, and Iron Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. J. Street, J. D. Allen, William Piatt, Alfred Allen, and W. R. Kinney, their associates and successors, be, and they are hereby, incorporated and made a corporation and body-politic, by the name and style of the "Allan Petroleum, Salt, and Iron Mining and Manufacturing Company;" and by that name said company shall have all the powers, rights, and privileges of a corporation for the purposes herein specified, and which are, or shall be necessary, to carry on said corporation and carry out its objects and the designs of its creation.

Corporators' names, and corporate powers.

§ 2. The object of said corporation shall be the boring, mining, and manufacturing petroleum and other mineral oils, or oils produced from coal or other mineral substances, the mining, transporting, and vending of coal and other minerals, mining of iron ore and other minerals, and the manufacturing and vending the same, and transportation of the same to markets.

Business of corporation.

§ 3. The capital stock of said company shall not, at any one time, exceed one million dollars, divided into shares of not less than fifty dollars each; and lands, mines, mining rights, and realty may be subscribed as part or the whole of the stock of said company. The stock shall be held as personal property; and said named corporators may, or a majority of them, open books for the subscription of stock to the capital stock, at such times and places as they may designate, after twenty days' public notice thereof, and may organize said company after the subscription of stock to the amount of ten thousand dollars. They may own such real estate necessary to the conduct of their said business, and acquire the same and personal property in any of the modes now prescribed by law for the acquisition of real and personal estate by individuals, and dispose of the same by such mode as individuals may by sale and conveyance.

Capital stock.

Stock personal property, &c.

May own real estate.

§ 4. The affairs of said company may be managed by not less than three nor more than five directors, the num-

Who to manage affairs of corporation.

1865.

May make by-laws.

ber to be fixed by the by-laws of the company; a president shall be chosen from the directors. The president and directors shall make such by-laws and rules for the government of the corporation, fix days for the election of officers, appoint agents, and do all things necessary to carry out the object of its creation, not inconsistent with the constitution and laws of this State and of the United States.

Directors to be elected—how.

President and other officers to be elected.

§ 5. The election of directors shall be by the stockholders, and a majority in interest of whom shall be necessary to a choice; and in all elections or meetings of stockholders, each share shall represent one vote. In all elections, stockholders may vote by proxy. The directors shall elect the president, and appoint all other officers and agents, or authorize the president so to do by a by-law of the corporation, and shall have all powers to enforce by regular by-laws and prescribe the mode of enforcing the payment of stock.

§ 6. No banking privileges are hereby granted, and nothing herein shall be construed to grant such powers.

§ 7. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 8. This act to take effect from its passage.

Approved February 23, 1865.

CHAPTER 1028.

AN ACT to incorporate the United Life, Fire, and Marine Insurance Company of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That Peter Beall, C. F. Beyland, S. L. Massey, F. M. Webster, and Jacob Hawthorn, or such of them as shall act, their associates, successors, or assigns, be, and are hereby, created a body-corporate and politic, by the name and style of the "United Life, Fire, and Marine Insurance Company," with perpetual succession, and full powers to contract and be contracted with, sue and be sued, and to acquire by purchase, deeds of conveyance, lease, or other lawful mode, and the same to hold, use, and enjoy, any real or personal property, bonds, notes, or obligations for money, which the board of directors may deem advisable in the course of the business of the company; and the same or any part thereof, to sell, convey, lease, assign, transfer, or otherwise dispose of; and generally to do and perform for the well-being of said company whatsoever shall lawfully pertain to such corporate bodies, and may have and use a corporate seal.

§ 2. The capital stock of said company shall not exceed \$300,000 at the organization thereof; but may thereafter, by the order of the board of directors, be increased to \$800,000; and the capital stock shall be divided into shares of \$25 each, which shares of stock shall be paid up and secured in such manner, and at such times, as shall be hereinafter provided, and as the corporators or board of directors may determine.

1865.

Capital stock.

§ 3. That the above named corporators, or such of them as shall act, or their assigns, shall have power to organize said company, and shall constitute the first board of directors, and shall hold their office until their successors are duly elected and qualified, and may appoint a president of the board and secretary and treasurer, and such other officers and agents as they deem necessary. A majority of said board shall constitute a quorum to transact business. That, after the organization of the company as above provided, the board of directors shall have power, before opening the books for general subscription to stock, to dispose of not more than one fifth of the capital stock of said company on such terms, in such manner, and under such rules and regulations as the board may adopt. And shall, at such times and places as the board of directors may deem expedient, open books and receive subscriptions to the balance of the stock not disposed of; and, at the time of such subscriptions, and before the same shall be binding on the company, said corporators shall have the right to demand and receive not more than five dollars on each share subscribed, as may be fixed by the corporators or board of directors, and have secured the residue so subscribed, to the satisfaction of the corporation, all of which obligations shall be payable on call, and may be renewed from time to time, either for the whole, or such part thereof, as the board of directors shall determine; and it shall be the duty of said board of directors to give at least thirty days' notice of any call they may make; and if any stockholder shall fail to meet such call, or to secure the remainder as aforesaid, it shall be lawful for the board of directors to sell such delinquent shares, and transfer the same to the purchaser, or to declare them forever forfeited to the company, together with all previous payments thereon. No transfer of stock shall be deemed valid and complete so long as the person transferring the same shall be indebted to the said company, until the amount for which he or she is indebted to the company is secured to the satisfaction of the president and directors; and the stock of every stockholder shall be held as collateral security for the payment of whatever sum he or she may be indebted to said company, by notes, for stock or otherwise.

Who to organize, and first board of directors.

Quorum.

May dispose of stock before opening books.

May open books for balance of stock. &c. &c.

1865.

Elections—
term of office,
&c.

President, &c.

How stock
voted.

§ 4. Elections shall be held for seven directors, at such times and places as the board shall appoint, and said directors shall hold their offices for one year, and until their successors are duly elected and qualified. The board shall appoint one of their number president, and four members and the president, or five members, in the absence of the president, one of whom shall be president *pro tem.*, shall constitute a quorum for the transaction of business. In all elections by the stockholders, each share, to the number of twenty (20), shall be entitled to one vote, and every five (5) shares in addition shall entitle the holder to one additional vote; but no person shall be entitled to vote who is not, at the time of voting, a *bona fide* stockholder, or whose stock has not been regularly transferred upon the books of the company; and shares may be voted upon by the executor or administrator of the deceased owner, or by proxy.

Officers to be
appointed.

§ 5. That the president and directors, for the time being, shall have power to appoint such officers and agents under them, and at such places as they shall deem proper for transacting the business of said company, and to allow such compensation as may from time to time be agreed upon, and to require and take bond and security for the faithful discharge of their respective duties and trusts; and the said board of directors shall have power to make such by-laws, rules, and regulations for the government of the corporation, its agents, business, and affairs, as the board may deem necessary, and may repeal, alter, or amend the same at pleasure. The president and directors, for the time being, shall have power and authority, in the name and for the benefit of the company, to take risks and make insurance, at such rates of premium, or interest, as may be agreed upon by the parties, upon buildings, furniture, machinery, goods, wares, and merchandise, of every description, against loss or damage by fire in town or country; to insure boats and vessels of every description against loss or damage by fire or the perils of navigation, and the cargoes, goods, and other articles transported or conveyed thereby; and, likewise, to make insurance on lives by sea, or water, or on land, for any time, or for the whole period of a natural life; and to contract for, grant, and sell annuities; and to make all kinds of contracts in which casualties of life or property are involved; and every such contract, bargain, agreement, or policy, made by said corporation, shall be in writing or print, and shall be signed by the president, and by the secretary or clerk who may be appointed by the board of directors for that purpose, and countersigned by the agent taking the risk.

May insure
property.

§ 6. That it shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his assent, as her trustee, to cause to be insured for her sole use the life of her husband, for any definite period, or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or any of his creditors. And in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable after death to her children, for their use, and to their guardian, if under age.

1865.
Mar'ed woman
may insure life
of husband.

§ 7. The president and board of directors of said corporation shall have power to borrow money to an amount not exceeding the capital stock actually taken, and at a rate of interest not exceeding ten per cent. per annum, and to issue stock or bonds for the payment of the same; any part of the assets of said corporation may be mortgaged or pledged for the payment of such indebtedness, principal and interest; and they shall have power, from time to time, to loan or invest any part of the unemployed capital of said corporation in such manner and on such security as the board of directors may determine.

May borrow
money.

§ 8. That whenever said corporation shall be notified of any loss or damage sustained or incurred on any policy of insurance granted or issued by the authority of the same, and on which they are legally liable, it shall be the duty of said corporation to adjust and pay the amount so insured or lost on such policy within ninety (90) days after being so notified; and in the case of the death of a party whose life was insured by said corporation, the board of directors may require such evidence thereof as they may deem proper and conclusive: *Provided always*, That in all cases where there has been no violation on the part of the insured of any of the conditions of the policy, and the corporations may attach such conditions to their contracts of insurance as they may deem right and proper.

Losses to be
paid within 90
days.

§ 9. Nothing in this charter shall be so construed as to authorize or permit said corporation to issue any notes as a circulating medium, or in any manner engage in the business of banking.

No banking
powers.

§ 10. The Legislature reserves the right to alter or amend this charter, but not so as to violate or impair any contract or rights existing under it.

Repealing
clause.

§ 11. This act shall take effect from and after its passage.

Approved February 24, 1865.

1865.

CHAPTER 1029.

AN ACT for the benefit of Fleming Bates, late Sheriff of Wayne County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time, until the first day of January next, be allowed Fleming Bates, late sheriff of Wayne county, to make and return his delinquent list for the revenue and county levy for the year 1860; and when made within the time given, to have the same effect as if made and returned within the time now allowed by law.

§ 2. That said sheriff, by procuring the written consent of all his sureties in his official bond, and which shall be acknowledged before the clerk of the Wayne county court, and which shall be filed with the Auditor of Public Accounts in his office, may be indulged in the payment of the residue of revenue, interest, damages, and costs for said year 1860, the further time until the first day of January next; and if paid within said time, the interest and damages are hereby remitted.

§ 3. That further time, for two years from and after the passage of this act, be given the said sheriff in which to collect or list for collection his unpaid taxes and fee bills, with the same power to distrain in the collection thereof as belongs to sheriffs, by law, in the collection of taxes and fee bills, subject to all the penalties now in force against the collection of illegal fee bills and taxes.

§ 4. This act to take effect from its passage.

Approved February 24, 1865.

CHAPTER 1030.

AN ACT authorizing the County Court of Whitley County to divide Justices' Districts into Voting Precincts, and to establish voting places therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Whitley county is hereby authorized, at any time sixty days before an election, to divide any justice's district into two or more voting precincts, and to establish the place of voting in the same, and to prescribe the boundaries of such precincts upon the petition of a majority of the voters of that portion of the district in which the new precinct is to be established, if it shall seem right and proper to the court; no voter shall vote out of his precinct thus established.

§ 2. This act shall take effect from and after its passage.

Approved February 24, 1865.

CHAPTER 1031.

1865.

AN ACT for the benefit of William Mullins, late Sheriff of Wayne County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time until the first day of January next, be allowed Wm. Mullins, late sheriff of Wayne county, to make and return his delinquent list for the revenue and county levy for the year 1861, and when made within the time given to have the same effect as if made and returned within the time now allowed by law.

§ 2. That said sheriff, by procuring the written consent of all his sureties in his official bond, and which shall be acknowledged before the clerk of the Wayne county court, and which shall be filed with the Auditor of Public Accounts in his office, may be indulged in the payment of the residue of revenue, interest, damages, and costs, for said year 1861, the further time until the first day of January next; and if paid within said time, the interest and damages are hereby remitted.

§ 3. That further time for two years, from and after the passage of this act, be given the said Wm. Mullins in which to collect or list for collection his unpaid taxes and fee bills, with the same power to distrain in the collection thereof as belongs to sheriffs by law in the collection of taxes and fee bills, subject to all the penalties now in force against the collection of illegal fee bills and taxes.

§ 4. This act to take effect from its passage.

Approved February 24, 1865.

CHAPTER 1032.

AN ACT to incorporate the Casselberry Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Omer Brown, Larkin Campbell, Drury Wool-
dridge, John P. Campbell, jr., and Larkin Brashear, are
created a corporation or body-politic, able by their com-
mon consent to grant or receive in law anything in the
compass of their chartered privileges, and to be denomi-
nated the "Casselberry Petroleum Company," for the pur-
pose, and with the privilege of boring petroleum wells in
any county in the State of Kentucky; reducing the oil to its
component parts, such as burning fluids, paraffine, asphal-
tum, and trading in oil in its crude or refined state, and
shipping it to domestic or foreign ports, mining coal, &c.,
wherever the body-politic shall acquire title to suitable sites
for water-power, either by purchase or lease, and where the
locality is suitable for mining coal, or making iron, with a

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names, and
corporate pow-
ers.

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like purchase or lease, these privileges extend. They and their associates and successors shall continue and have succession for an indefinite period; and by their name and style are hereby made as capable in law as individual citizens to contract and be contracted with, to sue and be sued, to plead and be impleaded, within this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; also the power to purchase or lease and own real estate suitable for mining coal, manufacturing iron, boring for petroleum, salt, &c.; to borrow money for the benefit of said company, not to exceed one third the estimated value of the realty proposed to be hypothecated; but not to have or exercise the privilege of loaning money; also, after the company shall be organized, the power to ordain and establish such by-laws, ordinances, and regulations as shall be necessary for the well-being and government of the corporation, not contrary to the laws of this State or of the United States.

Capital stock. § 2. That the capital stock be two millions of dollars, to be divided into shares of one hundred dollars each.

Proportion of stock regulated § 3. That the company shall, by the common consent of its president and directors, when organized, regulate the proportion of its stock which may be issued to each member on application.

May sell stock to other companies. § 4. That the president and board of directors shall have power to authorize any of its officers or any stockholder, for the mutual benefit of its members, to sell stock to companies or individuals in the United States or in Europe. The proportion of stock so to be disposed of to be determined by said president and directors.

President and other officers to be elected. § 5. That the corporation shall hold a meeting after the passage of this act as convenient, for the purpose of organizing by the election of a president, vice president, secretary, and treasurer, these officers to constitute a board of directors, and to hold their offices for one year; and at the expiration of each year an election for said officers to be held, and each and every stockholder to have timely notice of the place, and to be entitled to one vote for every share he may own; any stockholder not present may vote by proxy.

Secretary to report at annual meeting. § 6. That at every annual meeting it shall be the duty of the secretary to report in writing the financial condition of the corporation, its acts and doings, and at all times to have his books ready for inspection by the board of directors. At said meetings to declare dividends, and direct treasurer to settle and pay the same in conformity to his report, and further, that dividends may be declared and paid to stockholders half yearly or quarterly, when meetings of the directors shall order; and the right to alter,

amend, or repeal this charter is reserved to the General Assembly.

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§ 7. This act to take effect from the time of its passage.

Approved February 24, 1865.

CHAPTER 1033.

AN ACT to incorporate the Green River Oil, Coal Mining, and Iron Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Dr. Wm. Berry, General E. T. Berry, and Thomas Berry, their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, with perpetual succession, by the name of the Green River Oil, Coal Mining, and Iron Manufacturing Company, with all the powers and authority incident to corporations or hitherto granted any corporation within this Commonwealth, for the uses and purposes hereinafter mentioned.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils, salt, &c.; mining coal, iron, zinc, copper, lead, and other minerals, and to refine, manufacture, ship, and vend the same; and to cut, raft, or float the timber from said lands, or build any and all kinds of flats, boats, mills, or other buildings, fixtures, and machinery deemed proper, in order to further the operations of said corporation, or dispose of any portion or portions of its territory or other property deemed advisable, and convey the same by deed or otherwise; and to sue and be sued, and to maintain any action, either as plaintiffs or defendants, touching the rights or interests of said corporation, in any of the courts of this Commonwealth.

§ 3. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of not less than ten nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock may be increased if deemed proper.

§ 4. The shares of stock in said company shall be deemed personal estate, and transferable on the books of the company as prescribed by the by-laws of the corporation.

§ 5. The affairs of the company shall be managed by three directors, one of whom shall be president, and all of whom shall be stockholders in said corporation, and the first board of directors shall consist of E. T. Berry, Wm. Berry, and Thomas Berry, who shall continue in office

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until their successors are elected by a majority in interest of the stockholders of said corporation, and the board of directors thus chosen shall continue in office for one year or until their successors are elected; if any of the directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules, and the same to alter, amend, or repeal, from time to time, in the general management of its property and business affairs and the government of the corporation, as they may deem proper, not inconsistent with the constitution and laws of the State. The said corporation, or any of them, may open books and receive subscriptions to the capital stock of said company herein incorporated, and give such notice thereof, times, places, &c., as may be deemed proper. Whenever fifty thousand dollars of the capital stock is subscribed and ten per cent. thereof paid in, notice may be given of the time and place of the election of a new board of directors, who shall hold office for one year or until successors are elected as provided herein and may make such calls of payment of stock as they may deem proper, not to exceed twenty per cent. for every thirty days; and in default of payment the by-laws of said company may authorize a forfeiture of stock. They may keep their office at such place or places as they may deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and such other officers and agents as they may deem necessary, with such compensation for services as they may fix; and by their by-laws regulate and fix the mode of keeping their records as may be deemed necessary; and use a common seal, and alter the same at pleasure.

§ 6. No banking privileges are granted by this act, which shall take effect from its passage.

Approved February 24, 1865.

CHAPTER 1034.

AN ACT to amend an act, entitled "An act to incorporate the Lebanon Hotel Company," approved February 25th, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Lebanon Hotel Company," approved February 25th, 1860, be, and the same is hereby, so amended as to increase the capital stock of said company to fifty thousand dollars.

§ 2. That the names of N. S. Ray, D. J. M. Cardwell, and H. D. Gillmore be added to the body corporate known as the "Lebanon Hotel Company."

§ 3. This act to take effect from its passage.

Approved February 24, 1865.

CHAPTER 1036.

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AN ACT to incorporate the Stuart Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Frank P. Stuart, John P. Campbell, jr., A. G. Wooldridge, James U. Campbell, and John P. Glass, are created a corporation or body-politic, able, by their common consent, to grant or receive in law anything within the compass of their chartered privileges, and to be denominated the "Stuart Petroleum Company," for the purpose, and with the privilege of boring petroleum wells in any county in the State; reducing the oil to its component elements, such as burning fluid, paraffine, asphaltum, &c.; trading in the oil in its crude or refined state, and shipping it to domestic or foreign ports; mining coal wherever the body-politic shall acquire title to suitable sites for water-power, either by purchase or lease, and where the locality is suitable for mining coal or making iron, with the like purchase or lease, the privileges extended. They and their associates and successors shall continue and have succession for an indefinite period; and by their name and style are hereby made as capable in law as individual citizens to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; also the power to purchase or lease and own real estate suitable for mining coal, manufacturing iron, for the erection of either of the factories or mills, warehouses or dock-yards, at any point on the Ohio river or elsewhere; to borrow money for the benefit of said company, not to exceed one third the estimated value of the realty proposed to be hypothecated; but not to have or exercise the privilege of loaning money or issuing bills and notes upon banking principles; also, after the company shall be organized, the power to ordain and establish such by-laws, ordinances, and regulations as shall be necessary for the well-being and government of said corporation, not contrary to the laws of this State or the United States.

§ 2. That the capital stock be one million of dollars, divided into shares of one hundred dollars each.

§ 3. That the company shall, by common consent of its president and directors, when organized, regulate the proportion of stock which may be issued to each member on application.

§ 4. That the president and board of directors shall have power to authorize any of its officers or any stockholder, for the mutual benefit of its members, to sell stock to companies or individuals in the United States or in Europe; the

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proportion of stock to be so disposed of to be determined by said president and directors.

§ 5. That the corporation shall hold a meeting as soon after the passage of this act as convenient, for the purpose of organizing, by the election of a president, vice president, secretary, and treasurer; these officers constitute a board of directors, and to hold their offices for one year; and at the expiration of each year an election for said officers to be held, and each and every stockholder to have timely notice of the place, and to be entitled to one vote for every share he may own. Any stockholder not present at any such meeting or election may vote by proxy, such proxy being a stockholder attending such election, and presenting his authority in writing from his principal.

§ 6. That every annual meeting it shall be the duty of the secretary to report in writing the financial condition of the corporation, its acts and doings, and at all times to have his books ready for inspection by the board of directors; at said meeting to declare dividends, and direct treasurer to settle and pay the same in conformity with his report; and further, that dividends may be declared and paid to stockholders half yearly or quarterly, when meetings of the directors shall order.

§ 7. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 8. This act to take effect from the time of its passage.

Approved February 24, 1865.

CHAPTER 1037.

AN ACT to incorporate the Beaver Creek Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That Edwin S. Graham, H. C. Caruth, Pack Thomas, and Thomas Sheerer, their associates, successors, and assigns, be, and they are hereby, constituted a body corporate and politic, by the name, style, and title of the "Beaver Creek Oil Company," and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain, establish, and put in execution all such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of this State or of the United States.

Capital stock.

§ 2. The capital stock of said company shall be three hundred thousand dollars (and may be increased or dimin-

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ished fifty per cent. by a vote of the majority of the stockholders at any time upon a notice of ten days), to be divided into shares of five dollars each; said company may, however, commence operation as soon as fifty thousand dollars of said capital stock shall be subscribed, and twenty thousand dollars thereof paid in; and the remaining portion of said capital stock may be issued and sold by the board of directors of said company at such times as may seem to them best.

§ 3. The said company shall have the power to purchase, negotiate for, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, and other minerals, and in the manufacture of the same, and other products of lands now owned by them, or which may hereafter be owned by them; to purchase, build, and own boats and other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transaction; to hold such mining rights and rights of way and real estate as they may deem necessary for the successful prosecution of their business, and the same, or any part thereof, to sell or otherwise to dispose of, as the interests of said company may require.

May hold real estate, and further powers.

§ 4. For conducting the affairs of said company a board of five directors shall be chosen; said board shall choose one of its number, who shall be the president of said company; and said board shall serve for one year or until their successors are elected and qualified. The president and directors shall have power to appoint all officers, agents, and servants under them, and to remove them at pleasure. In all elections each share shall entitle the holder to one vote, and stockholders may vote by proxy. The stock of said company shall be deemed personal estate.

Who to manage affairs of corporation.

§ 5. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure: *Provided, however,* That the stock at no time shall exceed the maximum amount herein named.

Books may be opened.

§ 6. That it shall be lawful for the president and directors of said company, from time to time, and at all times, to borrow or obtain on loan such sums of money, and on such terms, as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estates, improvements, privileges, effects, and assets of said company for the repayment of said sums of money so borrowed, at such times as may be agreed upon.

May borrow money.

§ 7. In the event of a failure on the part of any stockholder to pay up his stock, the share or shares of such

Stock may be forfeited.

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Privileges of
corporation.

stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

§ 8. Said company shall have, possess, and enjoy all rights, powers, privileges, and immunities conferred by law in this State upon any other company chartered for similar purposes; and the right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 9. This act shall take effect from its passage.

Approved February 24, 1865.

CHAPTER 1040.

AN ACT to incorporate the Vulcan Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That Edward M. Shield, Robert Caldwell, Benjamin Homans, jr., J. Smith Homans, jr., Francis Havland, Nathan T. Johnson, Thomas Jones, John H. Taaffe, and Samuel J. Walker, their associates, successors, and assigns, be, and are hereby, created a body corporate and politic, by the name of the "Vulcan Oil Company," with perpetual succession, and full power to contract and be contracted with, sue and be sued, and to acquire by purchase, deeds of conveyance, lease, or other lawful mode, any real or personal property which the board of directors may deem advisable in the course of the business of the company; and the same, or any part thereof, to sell, convey, lease, or otherwise dispose of; and with full power of mining, developing, and producing coal, petroleum, or coal oil, &c.; and of manufacturing, marketing, and trading in the same, with all incidental powers pertaining to said business; and generally to do and perform for the well-being of said company whatsoever shall lawfully pertain to such corporate bodies, and may have and use a corporate seal.

Capital stock.

§ 2. The capital stock of said company shall be five hundred thousand (\$500,000) dollars, divided into fifty thousand shares of the par value of ten dollars each.

Company to
organize—how
and when.

§ 3. That the above named corporators, or such of them as shall act, shall have power to organize said company, and for that purpose shall meet in the county of Kenton, in this State, and shall form themselves into a board of directors for the first year, and until their successors are elected and qualified, and may appoint a president of the board, and a secretary and a treasurer; that after the organization of the company, as above provided, the board of directors shall have power to dispose of part or all of the capital stock of the company on such terms, in such manner, and under such rules and regulations as the board of directors may from time to time adopt.

§ 4. The shares of the capital stock shall be transferable, and the board may make such rules and regulations in regard thereto as they may determine upon, and may, from time to time, make all such rules, regulations, and by-laws as they may deem necessary and proper for the government of the company, its officers, agents, and affairs.

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Stock transferable.

§ 5. Election for directors shall be held at such time and place as the board shall appoint; the said directors shall hold their offices for one year, and until their successors are duly elected and qualified; each board of directors shall elect one of their number president, and in the absence of the president the board may elect a president *pro tem*. The first, or any subsequent board of directors, may, from time to time, borrow money for the use of the company not exceeding in amount the capital stock, and at rates of interest not exceeding ten per cent. per annum; and may issue the bonds or notes of the company in sums of not less than one hundred dollars, and may mortgage or pledge any of the property or assets of said company to secure the payment of said bonds or notes; but in no manner or respect shall said company engage in the business of banking. A majority of the board of directors shall constitute a quorum to transact business. It shall be the duty of the board of directors to appoint a secretary and treasurer, and require of them bonds with good surety for the faithful discharge of their respective duties; and may also appoint and employ all such other agents and officers as they may deem necessary, and discharge them at pleasure, and may fill any vacancies occurring in the board. None but stockholders shall be directors.

Elections—how and when held.

Officers to be appointed.

§ 6. This act shall take effect upon its passage.

Approved February 24, 1865.

CHAPTER 1041.

AN ACT to incorporate the Middle Trace Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and the same is hereby, incorporated, to construct a turnpike road on the McAdams plan, from the Sardis turnpike, on Shannon creek, where said turnpike leaves the main creek running towards Sardis, in the county of Mason, near the northeast corner of Andrew Griffith's farm, to intersect the Maysville and Lexington turnpike, between Fairview and the Lower Blue Licks, at some convenient point between Fairview and the Lower Blue Licks, running by the house of Abel Rees, and thence to the Old Ball House, to be

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known by the name and style of "The Middle Trace turnpike road company;" and by that name and style may sue and be sued, contract and be contracted with, plead and be impleaded, and have and use a common seal, and alter, amend, or renew the same at pleasure.

§ 2. That the capital stock of said company shall be fifteen thousand dollars, divided into shares of one hundred dollars each; and each share shall entitle the holder to one vote in all meetings of the stockholders.

§ 3. That Abel Rees, Elijah O. Piles, E. L. Piles, Wm. Forman, John Collins, and John C. Arthur, are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock, at such times and places as they, or any three of them, may deem expedient; and so soon as five thousand dollars of stock is subscribed by individuals, companies, or corporations, they shall give ten days' notice of the time and place of the meeting of the stockholders, for the purpose of electing a president and four directors for said company; and a majority of whom, and of their successors in office, shall be competent to do and perform all acts and things authorized by this act to be done by the president and directors of said company; and the management of the fiscal and prudential concerns of said company shall be confided to said president and directors, and their successors in office, to be chosen annually, at such times and places as the said president and directors, from time to time, may appoint, and who shall continue in office until their successors shall be appointed.

§ 4. That no person shall be eligible as president or director of said company who shall not be the owner in his own right of one share of stock; and any president or director ceasing to be the owner of stock to that amount, shall cease to be a president or director of said company; and said board may, from time to time, fill all vacancies occurring in their body.

§ 5. The said president and directors shall have the power of appointing a treasurer, gate-keeper, and all other officers or agents deemed necessary to effect the purposes of this act, and to renew the same at pleasure; they shall have the power to require of the treasurer, and all other officers or agents appointed by them, bond and security in such penalties as they may require, conditioned for the faithful performance of the duties incumbent on them as such, and containing any other conditions or stipulation which they may require.

§ 6. The commissioners hereby appointed shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligations in said book or books, to-wit: we whose names are hereunto sub-

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scribed do promise to pay to the president and directors of the Middle Trace turnpike road company, the sum of one hundred dollars for each and every share of stock in said company set opposite to our names, in such manner and proportion and at such times as shall be required by the president and directors of said company, and agreeably to the act of the General Assembly incorporating said company, witness our hands this — day of —.

§ 7. That said road shall be opened not less than forty feet wide; the width of the grade shall be left to the judgment of the president and directors, and shall be graded at an elevation not to exceed four degrees in any part thereof. That said president and directors shall have the right, when two and one half miles of said road shall have been completed, to erect a toll-gate on the same, and when so erected, the said company shall have the right to demand, collect, and receive at said gate one half toll on the travel and transportation on said road, a rate of toll not exceeding that now authorized to be charged on the turnpike road leading from Maysville to Lexington.

§ 8. *Be it further enacted*, That the 5th, 6th, 8th, 9th, 10th, 12th, 13th, 14th, 15th, 16th, 19th, 22d, 25th, 27th, and 30th sections of the act to incorporate the Mount Sterling and Maysville turnpike road company, approved January 29, 1836, shall apply to said company hereby created, and are made part hereof, as though the same were herewith incorporated, except so much of said sections as may be inconsistent with the provisions of this act, subject to the same limitations and restrictions, and with the same benefit and advantage in all respects: *Provided, however*, That nothing herein contained, shall be so construed as to direct or authorize the subscription of stock or appropriation of money on the part of the State of Kentucky.

Approved February 24, 1865.

CHAPTER 1042.

AN ACT to incorporate the Cane Spring Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James M. Doom, Samuel Casseday, Charles S. Tucker, Robert K. White, David Looney, Dr. B. M. Beckham, Dr. W. H. Cheatham, Dr. John K. Lane, Charles J. Clark, and their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate in law, under the name and style of "Cane Spring Oil Company;" and by that name and style shall have perpetual

Corporators' names, and corporate powers.

1865.

succession, and be capable in law of suing and being sued, contract and be contracted with; to acquire and hold property, real or personal, sufficient for all the purposes of its creation, and to dispose of the same; to receive and make titles; to have and use a corporate seal; and in their corporate name to do any act or thing which an individual or a corporate body might or could do.

May purchase
lands.

§ 2. This company shall have power and authority any where in the State to purchase, lease, or otherwise acquire title to any lands for the purpose of obtaining oil, minerals, or salines, and then to dig or bore for the same; and when found, to erect the necessary machinery and work the same, or cause it to be done, for the purpose of refining, reducing, or otherwise preparing the same for practical uses or the markets of demand.

Capital stock.

§ 3. The capital stock of this company shall be five hundred thousand dollars, with power to its directory or managers to reduce or increase, as they may choose, to any sum not exceeding one million of dollars; the capital to be divided into shares of one hundred dollars each.

May open
books.

§ 4. The corporators herein named, or any one or more of them, shall have power, and they are hereby authorized, to open a book or books for subscription to the capital stock herein allowed; and when as many as one hundred shares shall have been subscribed, to call a meeting of the subscribing stockholders, and organize the company and proceed to an election of the officers hereinafter provided for the management of the affairs of said company; and when elected, may serve one year, and until their successors are elected and enter upon their duties.

Who to manage
affairs of cor-
poration.

§ 5. The management of the affairs of this company shall be under the direction of a president and five managers, or directors, to be annually chosen by the shareholders after the first election, as provided for in section four; the directors shall choose their president, and may choose him from their own number, or from any stockholder; and the president and directors shall choose their own secretary and treasurer; one person may fill the two last named offices; and in all elections for a directory, each share of stock shall be entitled to one vote.

May make by-
laws.

§ 6. The president and managers shall have full power and authority to make by-laws for the convenient management of their affairs, and to prescribe by them the duties of all their officers and employes, and may take from them any bond or security for the faithful discharge of the duty or thing undertaken, so the said by-laws are consistent with this act, and not inconsistent or repugnant to the constitution and laws of this Commonwealth or of the United States.

§ 7. The books and affairs of this company shall at any time be subject to the inspection or examination of any shareholder.

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Books subject to inspection.

§ 8. Certificates of stock shall be issued to any shareholder on demand when the same shall have been paid.

Certificates of stock to issue.

§ 9. The stock in this company shall be considered as personal, and transferable in such manner as the president and directors may prescribe in their by-laws, whose duty it is to so prescribe.

Stock transferable, &c.

§ 10. The president and managers shall have power to make such calls upon the subscribed stock as they in their judgment may deem proper; they shall also have the right, where partial payments have been made by a stockholder, and upon a call made by the president and directors, and a neglect or refusal by any shareholder to pay, to forfeit said stock to the company, causing the proper entries to be made on their books; and also to fill all vacancies which may occur in the board of directory, and to remove any officer or employe of their own appointing or engagement.

Calls on stock may be made, &c.

§ 11. This act shall take effect from its passage, and the right to alter, amend, or repeal this charter, is reserved to the General Assembly.

Approved February 24, 1865.

CHAPTER 1043.

AN ACT to incorporate the Somerset Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. T. Curd, J. R. Richardson, C. W. Richardson, and D. F. Bush, be, and they are hereby, created a body-politic and corporate, with all the usual powers incident to corporations, with perpetual succession, and the use of a common seal.

§ 2. That J. R. Richardson and A. T. Curd be authorized to open books for the subscription of stock to said company; and when three thousand dollars are subscribed said company may organize by the election of president and five directors, who shall appoint treasurer and secretary; and within ten days after said election and organization, one half of the subscription shall be paid to the treasurer, and held by him as a developing fund.

§ 3. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of fifty dollars each; all the unsold stock at date of organization shall belong to said company.

§ 4. The balance due upon subscriptions shall be paid by first July, 1865; and the board of directors shall have

1865.

the power to make all needful regulations for the transaction of the business of said company, which is declared to be the opening and developing of petroleum, rock, and carbon oils, in the county of Pulaski, Kentucky, and other minerals; said board shall have no power to adopt rules inconsistent with the laws of the United States or the State of Kentucky; and no banking privileges are allowed said company.

§ 5. The stockholders shall be liable for the debts of the company to the extent of stock held therein, and shall have a voice in all elections according to the number of shares held.

§ 6. The office of said company shall be at Somerset, Kentucky; and the board elected shall hold their office for one year and until their successors are elected; shall have power to fill all vacancies. Whenever an election would come on Sunday, the same shall be held the following Monday; and the right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 7. This act to take effect from its passage.

Approved February 24, 1865.

CHAPTER 1044.

AN ACT to incorporate the Crittenden Mining and Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and
corporate pow-
ers.

§ 1. L. M. Flourney, L. S. Trimble, W. W. Gardner, B. H. Bristow, J. T. Boyle, N. R. Black, and J. N. Sutcliffe, their associates, successors, and assigns, be, and they are hereby, created a body-corporate, by the name, style, and title of the "Crittenden Mining and Transportation Company," and by that name are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain and put in execution all such by-laws, ordinances, and regulations, as shall seem necessary and proper for the conducting and government of said corporation, not inconsistent with the constitution and laws of this State or the United States.

Capital stock.

§ 2. The capital stock of said company shall be two millions of dollars, to be divided into shares of not less than five nor more than fifty dollars each; said company may commence operations as soon as twenty-five thousand dollars of said capital stock is subscribed, and five thousand thereof paid in; and the remaining portion of said stock may be issued and sold by the board of directors of said company at such times as to them may seem best.

1865.

§ 3. The said company shall have power to purchase, negotiate for, and hold, as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, zinc, and other minerals, and in the manufacture of the same, and other products of the land now owned by them or which may be hereafter owned or leased by them; to purchase, build, and own boats, barges, and other machinery and implements necessary for carrying on said business; to hold such mining rights and right of way and real estate as they may deem necessary for a successful prosecution of their business, and the same or any part to sell or otherwise dispose of as the interest of said company may require; with full power to lay out and construct a railway with single or double track, and operate the same in whole or in part by steam, with the right to condemn lands for right of way by payment for the same now possessed and enjoyed by the Louisville and Nashville railroad company; they shall charge for freight and passage any rates not exceeding the rates authorized by other railroads in this State for similar improvements to and from any point on the Ohio or Tennessee and Cumberland rivers.

May hold real estate.

Business of corporation.

§ 4. For conducting the affairs of said company a board of not less than three nor more than five directors of said company shall be chosen; said board shall choose one of its number who shall be president of said company; and said board shall serve for one year, or until their successors are elected and qualified; the president and directors shall have power to appoint all other officers, agents, and servants, and remove them at pleasure; in all elections each share shall entitle the holder to one vote, and stockholders may vote by proxy; the stock shall be deemed personal estate.

Directors to be elected.

President, &c.

Officers to be appointed.

§ 5. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure, by any two or more of the directors.

May open books.

§ 6. That it shall be lawful for the president and directors of said company, from time to time, to borrow or obtain on loans such sums of money, and on such terms, as they may agree for the use of said company; and to pledge or mortgage all or any part of the estate, improvements, franchises, or privileges, effects, and assets of said company for the repayment of any money so borrowed, at such times as may be agreed on.

May borrow money.

§ 7. In the event of failure of any stockholder to pay up his stock as called for by order of the board of directors, the share or shares of such stockholders may be forfeited by order of said board, or they may sue and recover the same.

Stock may be forfeited.

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§ 8. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 9. This act shall take effect from its passage.

Approved February 24, 1865.

CHAPTER 1045.

AN ACT to incorporate the Licking River Petroleum, Oil, Salt, and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Mathew Mullins, Jas. H. Barber, Henry N. Newman, W. W. Woodworth, Samuel T. Hauser, Geo. P. Goulding, Jas. T. Applegate, and Jas. Wilson, their associates, successors, and assigns, be, and they are hereby, constituted a body corporate and politic, by the name, style, and title of the "Licking River Petroleum, Oil, Salt, and Mining Company," and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded, in the courts of this Commonwealth and elsewhere; to have a common seal; to ordain, establish, and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and proper for the government of said corporation, not in conflict with the constitution and laws of this State or of the United States.

§ 2. The capital stock of said company shall be two hundred thousand dollars, and may be increased or diminished by a vote of a majority of the stockholders at any time, upon a notice of ten days, to be divided into shares of twenty dollars each; said company may, however, commence operations as soon as five thousand dollars of said capital stock shall be subscribed, and two thousand dollars thereof paid in; and the remaining portion of said capital stock may be issued and sold by the board of directors of said company, at such times as may seem to them best.

§ 3. The said company shall have the power to purchase, negotiate for, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, oil, salt water, coal, iron, lead, and other minerals, and in the manufacture of the same and other products of lands now owned by them, or which may hereafter be owned by them; to purchase, build, and own boats, and other necessary implements and machinery for carrying on said business, to erect all necessary buildings for its transaction; to hold such mining rights, and rights of way and real estate, as they may deem necessary for the successful

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prosecution of their business; and the same, or any part thereof, to sell or otherwise dispose of, as the interest of said company may require.

§ 4. For conducting the affairs of said company a board of five directors shall be chosen, said board shall choose one of its number, who shall be the president of said company, and said board shall serve for one year or until their successors are elected and qualified. The president and directors shall have power to appoint all officers, agents, and laborers under them, and to remove them at pleasure. In all elections each share shall entitle the holder to one vote, and stockholders may vote by proxy. The stock of said company shall be deemed personal estate.

§ 5. Books for the subscription of stock may be opened at any time and place, and closed again by the corporators and directors at pleasure: *Provided, however,* That the stock, at no time, shall exceed the maximum amount herein named.

§ 6. That it shall be lawful for the president and directors of said company, from time to time, and at all times, to borrow or obtain on loans such sums of money and on such terms as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estates, improvements, privileges, effects, and assets of said company, for the repayment of said sums of money so borrowed, at such times as may be agreed upon.

§ 7. In the event of any stockholder failing to pay up his stock, his share or shares may be forfeited by the president and directors, or they may sue and collect the same.

§ 8. Said company shall possess and enjoy all rights, powers, privileges, and immunities conferred by law in this State on any other company chartered for similar purposes.

§ 9. This act shall take effect from its passage.

Approved February 24, 1865.

CHAPTER 1046.

AN ACT to repeal an act, entitled "An act to restrict the corporate limits of the Town of Columbia."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to restrict the corporate limits of the town of Columbia," passed at the present session of the General Assembly, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved February 24, 1865.

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CHAPTER 1047.

AN ACT to incorporate the Star Oil, Coal, and Mining and Manufacturing Company, of Carter County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. T. Nicholls, R. D. Callihan, Addison McCullough, William H. Lampton, L. D. Ross, R. W. Lampton, W. L. Geiger, and James Kilgore, their associates and successors, be, and are hereby, incorporated and made a corporation and body-politic, by the name and style of "The Star Oil, Coal, and Mining and Manufacturing Company, of Carter County;" and by that name said company shall have all of the powers, rights, and privileges of a corporation for the purposes herein specified, and which are or shall be necessary to carry on said corporation, and carry out its objects and the designs of its creation.

§ 2. The object of said corporation shall be the boring, mining, and manufacturing of petroleum and other mineral oils, or oils produced from coal or other mineral substances, the mining, transporting, and vending of coal, and other minerals, mining of iron ore and other minerals, and the manufacturing and vending the same, and transportation of the same to markets.

§ 3. The capital stock of said company shall be one hundred thousand dollars, divided into shares of fifty dollars each; and lands, mines, mining rights, and realty may be subscribed as part or the whole of the stock of said company; the stock shall be held as personal property; and said named corporators may, or a majority of them, open books for the subscription of stock to the capital stock, at such times and places as they may designate, after twenty days' public notice thereof; and may organize said company after the subscription of stock to the amount of sixty thousand dollars; they may own such real estate necessary to the conduct of their business, not exceeding ten thousand acres, and acquire the same and personal property in any of the modes now prescribed by law for the acquisition of real and personal estate by individuals, and dispose of the same by said modes by which individuals may by sale and conveyance.

§ 4. The affairs of said company may be managed by not less than three nor more than five directors, the number to be fixed by the by-laws of the company; a president shall be chosen from the directors; the president and directors shall make such by-laws and rules for the government of the corporation, fix days for the election of officers, appoint agents, and do all things necessary to carry out the object of its creation, not inconsistent with the constitution and laws of this State and of the United States.

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§ 5. The election of directors shall be by the stockholders, and a majority in interest of whom shall be necessary to a choice; and in all elections or meetings of stockholders each share shall represent one vote; the directors shall elect the president and appoint all other officers and agents, or authorize the president so to do by a by-law of the corporation, and shall have all power to enforce by regular by-laws and prescribe the mode of enforcing the payment of stock.

§ 6. No banking privileges are hereby granted, and nothing herein shall be construed to grant such powers.

§ 7. This act to take effect from its passage; and the right to alter, amend, or repeal this charter is reserved to the General Assembly.

Approved February 24, 1865.

CHAPTER 1048.

AN ACT to incorporate the Miami Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Benjamin W. Hitchcock, Morris J. Levy, John McLean, E. L. VanWinkle, W. T. B. Milliken, and Leonard Barney, their associates, successors, and assigns, are hereby created a body-politic and corporate, with perpetual succession, under the name and style of "Miami Petroleum Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in their corporate name, in all the courts; may have and use a common seal; may alter and change the same at pleasure; may purchase and hold lands and leases upon the same; may sell, convey, transfer, and assign the same to any person or persons or corporations; may have, hold, and transfer any personal property necessary for the transaction of their business; may make such rules and regulations for the government and management of the business of the company as may, from time to time, be deemed right and proper.

Corporators' names, and corporate powers.

§ 2. The object of said company is to develop the petroleum, rock, and carbon oils, iron, coal, copperas, zinc, and other minerals, lumber, and other natural resources of various parts of the State of Kentucky, and in several counties of the State, in which they may own or acquire mineral lands, or leases upon the same for development; may manufacture any and all minerals, oils, and other substances; transport the same to eligible markets in the crude or manufactured state; and to this end said company may open oil wells and mines for all manner of minerals upon their lands; cut and transport to market lum-

Objects of corporation.

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ber of all kinds; shall have power to erect all manner of work-shops, mills, refineries, furnaces, depots, and other buildings which may be deemed proper for the prosecution of their business; may purchase, contract, and own wharves and landings upon all streams running through or bordering upon their lands, and may improve the navigation of said streams of water by the removal of all manner of obstructions in said streams, and by the erection of dams and locks except on streams or parts of streams that are now navigable, subject to the supervision of the Board of Internal Improvement of the State; and when such improvements are completed, may charge such rates of toll as are charged on the Kentucky river; may construct boat-yards, build and own all kinds of boats; may construct turnpikes and railroads to and from any of the works or depots of said company to any and all points within the State where said company may wish to deliver their products in the raw or manufactured state; and when said railroads and turnpikes are in working condition, in whole or in part, may charge the same rates of toll per capita and per ton as may be charged on the Danville and Hustonville turnpike road, and upon the Louisville and Nashville railroad, for similar and like improvements.

Capital stock.

§ 3. That the capital stock of said company shall not exceed ten millions of dollars, and shall be divided into shares of not less than ten dollars each, one half of which may be sold at fifty cents per hundred, and the balance at par, as said company may elect; said stock to be paid for in such manner as said company may determine by its by-laws and regulations adopted from time to time. Said shares may be transferred in such manner as the company may direct; the form thereof shall be determined by the company, and may be entered on the books of the company, which books shall at all times be open to the inspection of the shareholders. Said stocks shall be held and deemed personal property.

President and other officers to be elected.

Term of office.

Annual elections.

Money to be paid to the Treasurer.

§ 4. That said company may, as soon after its organization as they may deem proper, have a meeting held of the shareholders at Covington, Kentucky, for the purpose of electing a president and nine directors, a secretary and treasurer, and shall give twenty days' notice of the time at which said election shall be held. The officers so elected shall hold their offices for one year, and until their successors are duly elected. The time of annual elections shall be determined by the president and directors, which action shall be published in one of the leading newspapers printed in the city of Frankfort, and in one of the leading newspapers printed in the city of Cincinnati, Ohio, for twenty days before said election. All moneys paid to said company shall be paid to the treasurer thereof, who

shall execute a bond with approved security for the faithful discharge of his duties, and for any breach thereof he may be sued by the party aggrieved. Said company may have branch offices outside of the State of Kentucky, but its principal office shall be kept at Covington. The affairs of said company shall be regulated by the president and directors thereof.

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May have branch offices.

§ 5. No banking privileges are allowed said company, and no power is conferred to make any by-law or regulation inconsistent with the laws of the United States or of the State of Kentucky.

No banking powers.

§ 6. The treasurer of said company may, under the supervision of the board of directors, deposit the funds of the company in such banks and places as may be deemed safe and secure; may invest the same in real or personal property, subject to the provisions embraced in the fifth section of this act.

May deposit funds in bank.

§ 7. The liability of shareholders shall be to the extent of stock held by each, and each shall have as many votes in all elections as he owns shares.

Liability of stockholders.

§ 8. The board of directors may declare dividends, from time to time, and determine the manner of payment, and all dividends, except those arising from the sale of stocks herein authorized, shall be equally apportioned among the stockholders, according to the shares held by each.

May declare dividends.

§ 9. This act to take effect from its passage; and the right to alter, amend, or repeal this charter is reserved to the General Assembly.

Approved February 24, 1865.

CHAPTER 1049.

AN ACT to incorporate the Suffolk Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Harrison Thompson, B. B. Groom, and L. M. Flournoy, their associates, successors, and assigns, be, and they are hereby, created a body corporate, by the name, style, and title of "The Suffolk Oil and Mining Company;" and by that name are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal, to ordain and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and proper for the conducting and government of said corporation, not inconsistent with the constitution and laws of this State or of the United States.

Corporators' names, and corporate powers.

§ 2. The capital stock of said company shall be one million of dollars, to be divided into shares of fifty dollars

Capital stock.

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each; said company may, however, commence operations as soon as twenty-five thousand dollars of said capital stock is subscribed, and ten thousand dollars thereof paid in; and the remaining portion of said stock may be issued and sold by the board of directors of said company at such times as to them may seem best.

May hold real estate.

§ 3. That said company shall have power to negotiate for, purchase, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, zinc, and other minerals, and in the manufacture of the same, and other products of land now owned by them, or which may be hereafter owned or acquired by them, by lease or otherwise; to purchase, build, and own boats and other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transactions; to hold such mining rights, and rights of way and real estate, as they may deem necessary for the successful prosecution of their business; and the same, or any part thereof, to sell or otherwise dispose of, as the interest of the company may require.

Who to manage affairs of corporation. President, term of office, &c.

Officers to be appointed.

§ 4. For conducting the affairs of said company a board of not less than three nor more than five directors of said company shall be chosen; said board shall choose one of its members who shall be president of said company; and said board shall serve for one year, or until their successors are elected and qualified; the president and directors shall have power to appoint all other officers, agents, and servants, and remove them at pleasure; in all elections each share shall entitle the holder to one vote, and stockholders may vote by proxy; the stock of said company shall be deemed personal estate.

May open books, borrow money, &c.

§ 5. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure; it shall be lawful for the president and directors of said company, from time to time, to borrow or obtain on loans such sums of money, and on such terms, as they may deem expedient for the use of said company; and to pledge or mortgage all or any part of the estate, improvements, privileges, effects, and assets of said company for the repayment of such sums of money so borrowed, at such times as may be agreed on.

Stock may be forfeited.

§ 6. In the event of failure of any stockholder to pay up his stock as called for by order of the board, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

Privileges of corporation.

§ 7. Said company shall have, possess, and enjoy all the rights, privileges, and immunities conferred by law in this

State upon any other petroleum and manufacturing company chartered for similar purposes; and the right to alter, amend, or repeal this charter is reserved to the General Assembly.

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§ 8. This act to take effect from its passage.

Approved February 24, 1865.

CHAPTER 1050.

AN ACT to incorporate the Otter Creek Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. L. VanWinkle, John L. Sallee, Parker W. Hardin, John S. VanWinkle, and John W. Tuttle, their associates, successors, and assigns, are hereby created a body-politic and corporate, with perpetual succession, under the name and style of the "Otter Creek Petroleum Company," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts, in their corporate name; may have and use a common seal, may alter and change the same at pleasure; may purchase and hold real estate or leases upon the same, or both; may sell, convey, or transfer and assign the same to any person or persons, or corporations; may have, hold, and dispose of any personal property necessary for the transaction of their business; may make such rules and regulations for the government and management of their business as they may deem right and proper, not inconsistent with the laws of the United States and of the State of Kentucky.

Corporators' names, and corporate powers.

§ 2. The object of said company is to develop the petroleum, rock, and carbon oils, iron, coal, and other minerals, lumber and vegetable resources of the county of Wayne and adjoining counties, and other parts of the State in which said company own or acquire lands or leases upon the same for development; may manufacture any and all minerals, oils, and other valuable substances; transport the same to eligible markets, in the crude or manufactured state; and to this end said company may open oil wells and mines for all manner of minerals upon their lands; may cut and transport to market all kinds of lumber. They shall have power to erect all manner of work-shops, mills, refineries, furnaces, buildings, depots, and other structures which may be deemed proper for the prosecution of their business; may purchase, contract for, and own and erect wharves and landings upon such streams as pass through or border upon their lands, and may improve the navigation of such streams; may make land-

Business of corporation.

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ings and wharves upon the Cumberland river at such places as may best subserve their purposes; but where the same is not done upon their own lands the lands shall be first condemned by regular proceedings by the writ *ad quod damnum*, and the assessment duly paid and satisfied or tendered; may make railroads and turnpikes to and from any of their depots and places of business to the Cumberland river, or such other points as they may deem necessary for the successful prosecution of their business; but whenever and wherever said roads pass over the lands of others, the same shall not be done without the right of way is first procured of said owners, or the same lands duly condemned by the writ aforesaid; and when said roads and turnpikes are completed, shall have the right to charge the same rates of toll, per capita and per ton, as may be charged on the Danville and Hustonville turnpike road and upon the Louisville and Nashville railroad for similar improvements.

Original stock-
holders.

Certificates of
stock, &c. 1

§ 3. That the owners of the lands and leases shall be considered as the original stockholders; and said lands and leases shall be represented by five hundred shares of one thousand dollars each, and shall be sold at their par value unless otherwise agreed by the said original stockholders; certificates for said shares may be issued, and each certificate shall admit those to whom they are issued to the absolute ownership of such undivided part of the real estate, leases, and other property of the company, as such certificates shall call for on the face thereof, and which shall constitute the basis of organization of the said Otter Creek Petroleum Company; said certificates shall be signed by the president and secretary of said company, and have the seal thereof affixed, and shall be admitted to record without further proof or acknowledgment; and the holders thereof shall stand in the attitude of trustees for new stock issued.

Capital stock.

§ 4. The capital stock of said company shall not exceed five millions of dollars, and shall be divided into shares of not less than ten dollars each, one half of which may be sold at fifty cents per dollar and the balance at par, if said company shall so elect; said stocks to be paid for in such manner as the board of directors may determine from time to time, and may make such regulations as they may deem proper for the transfer thereof; may require the same to be entered upon the books of the company with the name of the shareholders and the number of shares owned by each, which books shall at all times be open for the inspection of the shareholders; said stocks shall be deemed and held as personal property.

President and
other officers to
be elected.

§ 5. Said company may, as soon after its organization as it deems proper, have a meeting of the shareholders at

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such place as they may determine upon, for the purpose of electing a president and five directors, a vice president, secretary, and treasurer, who shall hold their offices for one year and until their successors are duly elected; they shall provide for the election of their successors by giving twenty 'days' notice, in some leading newspaper published in the city of Louisville, of the time and place of said election, which time shall be regarded as the time every twelve months thereafter as the period of annual elections, unless the same should occur on Sunday, in which event the election shall be held on the following Monday; and if, from any cause, an election should not be held at such times, the board shall fix a time for a special election, giving twenty days' notice as aforesaid of the time and place when the same shall be held.

§ 6. All moneys paid to said company shall be received by the treasurer thereof, who shall give bond with approved security for the faithful discharge of his duties; and for any breach thereof shall be liable to the party aggrieved, and may be sued thereon by such party; and one recovery shall not bar any future action upon the same.

Money to be paid to Treasurer.

§ 7. The principal office of said company shall be fixed by the corporators at their first meeting; but they may have branch offices outside the limits of the State; and each shareholder therein shall be liable for the debts of the company to the extent of the stock he may hold in the company; and the voice of each shall, in all elections, be governed by the number of shares owned in the company.

Principal office.

§ 8. The treasurer of the company may, under the direction of the board, deposit the funds of the company in such banks and places as may be deemed safe and proper, and invest the same in real or personal property in the name of the company: *Provided*, That no banking privileges are allowed said company.

May deposit funds in bank.

§ 9. The board of directors may, from time to time, declare dividends and determine the manner of payment; and all dividends, except those arising from the sales of stocks, shall be divided and apportioned among the several stockholders according to the shares held by each.

May declare dividends.

§ 10. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 11. This act to take effect from its passage.

Approved February 24, 1865.

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CHAPTER 1051.

AN ACT to incorporate the Henry Clay Petroleum, Coal, Oil, Refining, Mining, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That Jacob Hawthorn, R. T. Baker, B. F. Taylor, and W. H. Lape, their associates, successors, and assigns, be, and they are hereby, constituted a body corporate and politic, by the name, style, and title of "The Henry Clay Petroleum, Coal, Oil, Refining, Mining, and Manufacturing Company;" and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded, in the Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain, establish, and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of this State or of the United States.

Capital stock.

The capital stock of said company shall be one million dollars, in shares of fifty dollars each, and may be increased or diminished fifty per cent. by a vote of the majority of the stockholders at any time, upon a notice of ten days; said company may, however, commence operations as soon as five thousand dollars of said capital stock shall be subscribed, and fifty per cent. thereof is paid in; and the remaining portion of said stock, capital stock, may be issued and sold by the board of said directors of said company at such times as may seem to them best.

May hold real estate, &c.

Business of corporation.

§ 2. The said company shall have the power to purchase, lease, and negotiate for, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, and other minerals, and in the manufacture of the same and other products of lands now owned by them, or either of them, or which may hereafter be owned by them, or either of them; to purchase, build, and own boats and other necessary improvements and machinery for carrying on said business; to erect all necessary buildings for its transactions; to hold such mining rights, and rights of way and real estate, as they may deem necessary for the successful prosecution of their business; and the same, or any part thereof, to sell or otherwise to dispose of as the interest of said company may require.

Who to manage affairs of corporation.

§ 3. For conducting the affairs of said company a board of five directors shall be chosen; said board shall choose one of its number who shall be the president of said company; and said board shall serve for one year, or until

their successors are elected and qualified. The president and directors shall have power to appoint all officers, agents, and laborers under them, and to remove them at pleasure; in all elections each share shall entitle the holder to one vote; and stockholders may vote by proxy. The stock of said company shall be deemed personal estate; in the absence of the president the board may appoint a president pro tem.

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President, &c.
Officers to be
appointed.

Stock personal
estate.

§ 4. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure: *Provided, however,* That the stock at no time shall exceed the maximum amount herein named.

May open
books.

§ 5. That it shall be lawful for the president and directors of said company, from time to time, and at all times, to borrow, or obtain on loan, such sums of money and on such terms as they may deem expedient, for the use of said company; and to pledge or mortgage all or any part of the estates, improvements, privileges, effects, and assets of said company, for the repayment of said sums of money so borrowed, at such time or times as may be agreed upon.

May borrow
money.

§ 6. In the event of a failure on the part of any stockholder to pay up his stock, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

Stock may be
forfeited.

§ 7. Said company shall have, possess, and enjoy all rights, powers, privileges, and immunities conferred by law in this State upon any other company chartered for similar purposes.

Privileges of
corporation.

§ 8. This act shall take effect upon its passage.

Approved February 24, 1865

CHAPTER 1052.

AN ACT to incorporate the Mountain Coal and Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jas. H. Embry, Jehiel Towner, S. M. Barnes, William B. Dodge, Richardson Herndon, Benjamin Grant, P. G. Finn, H. S. Stearns, and their associates, or persons who shall become stockholders, be, and the same are hereby, made and constituted a body-politic and corporate, by the name and style of "The Mountain Coal and Oil Company," and by the said name they and their successors shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, in all courts and judicatories whatsoever; and also of contracting and being contracted with, relative to

Corporators'
names, and
corporate pow-
ers.

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the business and objects of said corporation as hereinafter declared; and they and their successors may have a common seal, and may change and alter the same at pleasure; and they and their successors as aforesaid shall have power to lease, purchase in fee simple, or for any less estate, such lands and interests in lands as they may deem necessary and desirable for carrying on the business of said corporation, and the same to divide, sub-divide, lease, sell, and dispose of at their pleasure, in such manner and form, and for such estates, as they may deem expedient.

Business of
corporation.

§ 2. That the corporation hereby created shall have full power and authority to bore, drill, excavate, and mine for oil, coal, iron, lead, salt, or other minerals or mineral substances, and the same to procure either by mining or purchase, and when mined or secured by purchase or otherwise, the same either to sell, refine, purify, and work, as they shall deem expedient; and when so refined, purified, and worked, to sell and dispose of the same, and to build and erect such derricks, engines, tanks, machinery, refineries, stills, furnaces, barrel manufactories, shops, and offices as they may deem expedient and necessary for carrying out the objects of their incorporation, and the same to work and carry on by themselves and such agents and employes as they may deem necessary.

Capital stock.

§ 3. The capital stock of said company shall be five millions of dollars, to be divided into one hundred thousand shares of fifty dollars each, with the right to increase said capital stock, from time to time, as the board of directors may deem necessary and expedient. And the said board shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and secretary, and sealed with the common or corporate seal of said company, to each person, for such share or shares of stock as by him or her are respectively owned, upon the payment, by the person receiving such certificate, of the stamp or United States Government duty or tax required thereon, which certificate shall be transferable at his or her pleasure, in person or by attorney, duly authorized, in the presence of the president or secretary, in a book to be kept by the said corporation for that purpose: *Provided*, That no certificate of stock shall be transferred so long as the holder thereof is indebted to the said company, unless the said board of directors shall consent thereto: *And provided further*, That no such transfer of stock shall have the effect of discharging any liabilities or penalties theretofore incurred by the owner thereof; and that no owner or holder of stock shall be entitled to vote on the same unless he has been the *bona fide* owner thereof, and the same actually transferred to him or her on the books of the company at

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least sixty days before the time of such election or proposed voting.

§ 4. The management and control of the said corporation shall be vested in the persons named in the first section of this act, until a board of directors shall be elected, which may be done at any time after giving ten days' notice to each stockholder personally, or by written or printed notice sent by mail to the said stockholder's last known place of residence, of the time and place of holding such election; when each voter shall be permitted to cast one vote for each share of stock he owns; and in case he is not personally present, he may vote by proxy; which last two clauses shall extend to all elections of said corporation.

Who to manage affairs of corporation, until directors elected.

§ 5. There shall be a meeting of the stockholders of the company at its principal office on the second Monday in June of each year, at ten o'clock in the morning, to hear the reports of the officers of the company and to attend to such other business as may require their attention, and elect tellers for the general election.

Annual meetings.

§ 6. The affairs of the company shall be managed by a board of seven directors, all of whom shall be stockholders in said company, five of whom shall constitute a quorum for business; they shall be elected at the principal office of the company on the second Monday of June, in each year, between the hours of two o'clock and five o'clock in the afternoon, which election shall be by ballot; any two stockholders who shall have been elected by the stockholders for that purpose shall act as tellers of the election, after having been duly sworn to perform their duties as such tellers with fidelity; and such directors, when elected, shall hold their offices for one year, and until their successors are duly elected; and any vacancy happening during the term for which they shall have been elected, shall be filled by an election of the remaining directors, or a majority of them, to hold until the next general election, and until his successor is duly elected; and in case any election is not held at the time specified, this charter shall not thereby be forfeited, and such election may be held at any time thereafter, upon such notice, and in such form, as the by-laws may specify: *Provided*, That at least two of the directors shall be citizens of the State of Kentucky, and resident therein.

Directors, quorum, &c.

When elected, and how.

Term of office, vacancies, &c.

Charter not forfeited, if election not held at regular time.

§ 7. The directors shall choose a president and vice-president from their number, and a secretary and treasurer, who may or may not be a stockholder of the board of directors; each of whom (secretary and treasurer) shall give a bond in such sum as the directors may order for the faithful performance of their duties, with one or more approved sureties; and in case a vacancy shall occur in

Officers to be appointed.

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any of the said offices, the board of directors shall elect for the remainder of said term.

May make by-laws.

§ 8. The board of directors may make such by-laws, from time to time, as they may deem proper and necessary for the management of the corporation, not inconsistent with the laws of this Commonwealth.

May declare dividends.

§ 9. The board of directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them advisable, at such times as may be deemed expedient, to be paid to the stockholders on demand, in not less than ten days (except at the treasurer's option) after the same shall have been duly declared.

Exhibit of condition of company to be made.

§ 10. At each annual meeting of the stockholders, and as often as they may require, the president and directors for the preceding year shall exhibit to them a full and complete statement of the affairs, condition, and proceedings of the company for the preceding year or of the preceding part of the current year, or for such part of it as they shall have been directors, with such matters as shall be necessary to convey to the stockholders a full knowledge of the condition and affairs of said company; and the said president and directors shall, whenever required, furnish to the Legislature, or to either branch thereof, a full and authentic report of their affairs and transactions, or such information relating thereto as may be demanded of them; and the books of said company shall at all times be subject to the inspection and examination of any committee of the Legislature, or either branch thereof.

May build railroads.

§ 11. That the said company are hereby authorized and empowered to build, construct, operate, and run such railroad and railroads as in the opinion of the board of directors may be necessary and convenient to transport their oil and mineral products to market, carry supplies, passengers, and freight, and to connect with any railroad now built or hereafter to be built, on such terms and conditions, and with such running and business arrangements, as may be agreed upon by and between this company and the said railroad company or companies; but the said corporation shall not charge for passengers or freight over such railroads more than is authorized by law to be charged by the other railroads in this State.

How route of road may be fixed.

§ 12. That the president and directors of this company shall have power and authority by themselves, their engineers, superintendents, agents, artisans, and workmen, to survey, ascertain, locate, fix, mark, and determine such route for a railroad as they may deem expedient, not, however, passing through any burying-ground or place of public worship, or any dwelling-house in the occupancy of

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the owner or owners thereof, without his, her, or their consent, and not, except in the neighborhood of deep cuttings or high embankments, or places selected for sidelings, turn-outs, depots, engine or water stations, not to exceed sixty feet in width, and therein to lay down, construct, erect, and establish a railroad with one or more tracks, with such branches or lateral roads as may be necessary to do the business, and with such bridges, viaducts, turn-outs, sidelings, or other devices, as they may deem necessary or useful for the business of the road; and in like manner, by themselves or other persons by them appointed or employed, as aforesaid, to enter upon and into and occupy all land on which the said railroad or depots, warehouses, offices, engines, and water-stations, or other buildings or appurtenances hereinbefore mentioned may be located, or which may be necessary or convenient for the erection of the same, or for any purpose necessary or useful in the construction, maintenance, or repairs of said railroad, and therein and thereon to dig, excavate, and embank, make, grade, and lay down and construct the same; and it shall, in like manner, be lawful for such company, their officers, agents, engineers, contractors, or workmen, with their implements and beasts of draft or burden, to enter upon any lands adjoining or in the neighborhood of their railroad so to be constructed, and to quarry, dig, cut, take, and carry away therefrom any stone, gravel, clay, sand, earth, wood, or other suitable materials necessary or proper for the construction of any bridges, viaduct, or other buildings which may be required for the use, maintenance, or repairs of said railroad; and new and additional sidelings, turn-outs, and water-stations to locate, erect, and construct, from time to time, as they may be necessary for the business of the road: *Provided*, That before the company shall enter upon or take possession of any such lands or materials, they shall make ample compensation to the owner or owners thereof; the amount of which, when not agreed upon by the parties, shall be fixed in the manner prescribed in the next succeeding section hereof: *Provided*, That the timber used in the construction or repair of said railroad or its appurtenances shall be obtained from the owner thereof only by agreement or purchase.

May enter up
on lands, &c.

§ 13. That when said company cannot agree with owner or owners of any lands, on which they desire to construct their railroads, for the right of way or for any materials which may be needed in the construction of said road, or the owner or owners thereof be a *feme covert*, an infant, or *non compos mentis*, or out of the county in which the land or material wanted may be situated, it shall be lawful for said company to apply to the county court of such county;

How land, &c.,
to be acquired
in case of dis-
agreement be-
tween owners
and company.

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and upon such application said court shall appoint three commissioners, two of whom shall be freeholders of the county, and the other a civil engineer, who, being first duly sworn, ten days' notice being given to the owner or owners, if in the county, or to his, her, or their agents, if they have such agent in the county, shall go upon the land or to the materials, and shall, by personal inspection, and by such proof as either party may offer, ascertain and report the quantity and value of the land or material sought to be condemned, and also the damages which the owner may sustain by reason of the taking of the same; but in fixing such damage they shall take into consideration the advantages which may accrue to the owner from the construction of said road, and set off the said advantages against such damages; and their report shall specifically set out the boundaries of the land so valued, together with a plat of the same, and also the value of such land or material, and also the damages aforesaid and the advantages aforesaid, which report shall be filed by the clerk of said court in his office. If either party shall be dissatisfied with the finding of said commissioners, it shall be lawful for the party so dissatisfied to transmit the same, in writing, within sixty days thereafter; and thereupon it shall be the duty of said court to cause a jury of twelve housekeepers of the county to be empaneled, to whom the question of the value of such land or material, and the damages for taking the same, shall be submitted, upon such proof as either party may offer (setting off, however, the advantages of the road against the damages); and upon the return of their verdict the court shall render a judgment for the value of such land or materials and for the damages aforesaid; and upon the payment of the same to the party, or, in case of his absence or refusal to accept the same, depositing the amount with the clerk of the court (who shall be responsible for it on his official bond), the court shall enter up an order authorizing said company to enter upon and construct their road upon the land, or to use the materials so condemned: *Provided, however,* That either party may appeal to the circuit court of said county, to be tried therein *de novo*; but such appeal shall not stop the said company from going on as though no appeal had been taken: *And provided further,* That either party may appeal from the decision of the circuit court to the court of appeals, where the case shall be tried upon the record, as other appeals in said court: *Provided further,* That the proceedings before said commissioners, and in the county court, shall be at the cost of said company; but in the circuit court and court of appeals the costs shall be adjudged against the unsuccessful party, as in other cases.

§ 14. That whenever, in the construction of such railroad, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of said company so to construct the said road across such established road or way, as not to impede the passage or transportation of persons or property along the same; and for the accommodation of all persons owning or possessing land through which the said railroad may pass, it shall be the duty of said company to make, or cause to be made, a good and sufficient causeway or causeways where the same may be necessary to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts, and implements of husbandry, as occasion may require; and said causeways, when so made, shall be kept in repair and maintained by such company: *Provided*, That the said company shall in no case be required to make, or cause to be made, more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which said railroad may pass; and where any public road shall cross such railroad, the person owning or possessing land through which the said public road may pass shall not be entitled to require the company to erect or keep in repair any causeway or bridge for the accommodation of the occupant of said land.

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Road to be constructed as not to interfere with other roads, travel, &c.

§ 15. That if the said company shall find it necessary to change the site of any portion of any turnpike or public road, they shall cause the same to be reconstructed forthwith, at their own expense, on the most favorable location, and in as perfect a manner as the original road.

How site of other roads to be changed.

§ 16. The Legislature reserves the right to make or authorize the making of any railroads crossing or connecting with the road or roads that may be made by said corporation; and the right to regulate the prices to be charged for freight or passengers on any roads made by said corporation.

§ 17. Nothing contained in this act shall be so construed as conferring banking powers upon the corporation.

§ 18. The right to alter, amend, or repeal this act is reserved to the General Assembly.

§ 19. This act to take effect from its passage.

Approved February 24, 1865

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CHAPTER 1053.

AN ACT to incorporate the Madison Oil and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That Isaac Caldwell, John B. Smith, L. M. Flournoy, and E. L. VanWinkle, their associates, successors, and assigns, be, and they are hereby, created a body corporate, by the name, style, and title of "Madison Oil and Manufacturing Company," and by that name are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain and put in execution all such by-laws, ordinances, and regulations, as shall seem necessary and proper for the conducting and government of said corporation, not inconsistent with the constitution and laws of this State or the United States.

Capital stock.

§ 2. The capital stock of said company shall be one million of dollars, to be divided into shares of fifty dollars each; said company may, however, commence operations as soon as twenty-five thousand dollars of said capital stock is subscribed, and ten thousand dollars thereof paid in; and the remaining portion of said stock may be issued and sold by the board of directors of said company at such times as to them may seem best.

May hold real estate, &c.

Business of corporation.

§ 3. That said company shall have power to negotiate for, purchase, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, mine, and dig for petroleum, salt water, coal, iron, lead, zinc, and other minerals; and in the manufacture of the same and other products of land now owned by them, or which may be hereafter owned or leased by them; to purchase, build, and own steamboats and barges, and all other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transactions; to hold such mining rights, and rights of way and real estate, as they may deem necessary for the successful prosecution of their business; and the same, or any part thereof, to sell or otherwise dispose of, as the interest of said company may require.

First board of directors.

President, term of office, &c.

Officers to be appointed.

§ 4. For conducting the affairs of said company a board of not less than three nor more than five directors of said company shall be chosen; said board shall choose one of its members who shall be president of said company; and said board shall serve for one year, or until their successors are elected and qualified; the president and directors shall have power to appoint all other officers, agents, and servants, and remove them at pleasure; in all elections

each share shall entitle the holder to one vote, and stockholders may vote by proxy; the stock of said company shall be deemed personal property.

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How stock voted.

May open books.

May borrow money.

§ 5. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure; and it shall be lawful for the president and directors of said company, from time to time, to borrow or obtain on loans such sums of money, and on such terms, as they may deem expedient for the use of said company; and to pledge or mortgage all or any part of the estate, improvements, privileges, effects, and assets of said company for the repayment of such sums of money so borrowed, at such times as may be agreed on.

§ 6. In the event of failure of any stockholder to pay up his stock as called for by order of the board, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue for and recover the same.

Stock may be forfeited.

§ 7. Said company shall have, possess, and enjoy all the rights, privileges, and immunities conferred by law in this State upon any other petroleum and manufacturing company chartered for similar purposes.

§ 8. This act shall take effect from its passage.

Approved February 24, 1865.

CHAPTER 1055.

AN ACT to incorporate the Sydney Lyons Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jas. Parkhill, John Roberts, Luther T. Thustin, Thos. P. Hughes, Selby Harney, Wm. J. Heady, Richard Field, Sidney S. Lyons, Wm. E. Hughes, Joshua E. Hibbard, and W. N. McIntire, their assigns and successors, be, and they are hereby, created and made a body corporate and politic, under the corporate name of "Sydney Lyons Petroleum Company," with right of succession forever; the object of said company shall be to dig and bore for and extract ores, minerals, and other substances, coal oil, petroleum, and other fluids, and to prepare the same for market.

Corporators' names, and corporate powers.

§ 2. That the persons named in the first section of this act shall be the directors of said company, and shall hold their offices for two years respectively, and until their successors are duly elected; they may elect one of their board as president of said company, whose term of office shall be two years, and until his successor is elected by a vote of the majority of the directors: *Provided, however,* The president and any director may be removed from office

Directors, president, term of office, &c.

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at any time by a vote of two thirds of the stockholders, who shall vote by shares, each share to be counted a vote in such election, as well as in all other voting by the stockholders.

May hold real estate.

§ 3. Said company in its corporate name may purchase, lease, have, and hold real, personal, and mixed estate; and to carry out the objects of its creation may sell and dispose of the same.

Corporate seal, sue & be sued, &c.

§ 4. Said company may have a common seal; and in its corporate name may contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts of this Commonwealth.

Business of corporation.

§ 5. Said company may take, dig, bore for, and extract ores, minerals, and mineral fluids, and any other substance or fluid from the lands which said company has, or may hereafter acquire right to; and it may prepare the same for market, and sell and dispose of it, either in a crude or refined state.

When to organize, and how.

§ 6. That the persons before named in the first section, or a majority of them, may meet at such time and place as they may select, and organize by electing a president, secretary, and treasurer; the secretary may act in both capacities; and he shall be required to give bond with surety, in such sum as may be required of him by said board, conditioned for the faithful discharge of the duties of said office; and such bond may be enforced in the courts of this Commonwealth.

Capital stock.

§ 7. The capital stock of this company shall not exceed one million and five hundred thousand dollars, to be made up of shares of twenty-five dollars each, payable at such times and in such installments as the president and directors may designate from time to time; and in default of payment, such calls may be collected by suit, and shall bear six per centum per annum interest from the demand, until paid.

May open books

§ 8. The president and directors may employ agents, either in or out of this Commonwealth, to open books to obtain subscriptions to the capital stock of said company; and whenever a subscription is made, there shall be paid on each share one dollar.

May issue bonds.

§ 9. Said company may issue its bonds not to exceed in the aggregate three hundred thousand dollars, to bear interest not exceeding eight per centum per annum, and not to run a period exceeding ten years; and the president and directors may sell said bonds for the purpose of raising means to carry on the operations of the company; and said board may pledge the property and stock of the company to secure the payment of said bonds.

May establish agencies.

§ 10. Said company may establish agencies for the sale and disposition of its oil and other material, in such places

in this country and in Europe, as the president and directors may from time to time select, and may do all other acts consistent with the objects of this charter.

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§ 11. Said company, in order to get its products to market, may make all necessary roads and viaducts, but shall run over no man's lands without his consent or full compensation, to be ascertained by writ of *ad quod damnum*, pursuant to the general laws applicable to such writs.

May make roads, &c.

§ 12. The president and directors may make all needful rules and by-laws for the government of the officers and agents of said company. The secretary shall be the custodian of the books of the company; and all the proceedings of the board of directors shall be entered by the secretary of record, and signed by the president and secretary; in the absence of either of them, the board shall select a *pro tem.* officer. The president and secretary shall each receive a fixed salary, to be prescribed by a resolution of the board of directors, subject to be increased or diminished by said board at any time.

May make by-laws.

Salary of president and secretary.

§ 13. Every two years the president and directors shall order an election of ten directors, which resolution shall be published in some daily and weekly newspaper in Louisville, designating the time and place of election at least one month before said election shall take place.

Elections—when held.

§ 14. The president and directors may permit individuals to subscribe as stock oil and mineral lands, or leases to the same, upon such terms as may be agreed upon; and they may issue stock to such individual or individuals to the agreed value of such lands or leases, and such action shall be binding, both upon the company and such persons so subscribing such lands or assigning leases to said company.

How stock may be subscribed.

§ 15. That any shareholder may vote by written proxy; and the books of the company shall at all times be subject to the inspection of the stockholders and creditors of the same.

§ 16. This act to take effect from and after its passage.

Approved February 24, 1865.

CHAPTER 1056.

AN ACT to amend the charter of the Louisville and Taylorsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Louisville and Taylorsville turnpike road company may charge and collect toll for the actual travel

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of said road at a rate not exceeding six per cent. on the capital stock of the road.

§ 2. That there shall be no exemption from the payment of toll for traveling said road in favor of citizen or citizens of Jeffersontown, or person or persons residing therein: *Provided, however,* That any person or persons living within the corporate limits of said town, or within one mile of the same, shall not be charged or compelled to pay toll at the gate next to said town, when traveling or hauling a distance on said road not exceeding one mile, to or from said town; all acts and parts of acts contrary to this act are repealed.

§ 3. That this act shall go into effect from its passage, and be subject to amendment, alteration, or repeal by the Legislature.

Approved February 24, 1865.

CHAPTER 1057.

AN ACT to amend the charter of the City of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the mayor and council of the city of Lexington are hereby vested with power and authority to pass laws and ordinances to regulate and promote education in said city; as also to compel the attendance of idle children in said city at some proper school, and to require those having control of children to send them to school.

§ 2. This act shall take effect from its passage.

Approved February 24, 1865.

CHAPTER 1058.

AN ACT to amend the charter of the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the assessor of said city is hereby authorized, by and with the advice and consent of the city council, to appoint one or more deputies; the assessor shall be held responsible for the proper and faithful discharge of the duties of such deputies; they shall have the same power, and discharge the same duties, as the principal assessor; the compensation of the assessor may be fixed by the city council, and changed, from time to time, in any sum they may deem proper and reasonable, by a vote of two thirds of the members elect.

Deputy assessors may be appointed.

Compensation of assessor.

Proceedings in case of lien for improvements.

§ 2. In enforcing a lien for improvements done by order of the city council, as prescribed in "An act to amend the char-

ter of the city of Covington," approved March 1st, 1860, if the court shall be of opinion that, from irregularity or illegality of the proceedings of the city council, or other cause, some portion of the tax assessed upon the property described cannot be legally or equitably enforced, the whole proceedings of the council shall not therefore be void, and the whole tax assessed not enforceable; but such portions of the proceedings of the council as are regular, and according to the charter and ordinances in reference thereto, shall be sustained, and the portion of the taxes assessed in pursuance thereof shall be a lien upon the property described in the proceedings, and shall be enforced by said court on such property to that extent; and for this purpose any errors, irregularities, or illegal proceedings as to the assessment or otherwise, may be corrected by the court, so that no person's property may be improved at the general expense of the city, when in equity he ought himself to pay for the same. This act shall apply to all work heretofore done by order of the city council; and any pleadings now pending in any court of this State in reference to such improvements, may be so amended as to conform to the principles herein enacted.

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§ 3. That as the bonds of the city of Covington, called the Marcus Smith bonds, amounting to the sum of twenty-five thousand dollars, will become due in the year 1865; for the purpose of paying off said debt, or continuing the same by the execution of new bonds, as the city council may deem best, the city council of said city be, and they are hereby, authorized and empowered, by ordinance, to levy and cause to be collected, in the same manner as other taxes are levied and collected, in addition to the taxes already provided for in said city charter, a tax upon whatever is now taxable under the charter of said city, sufficient in amount to pay said bonds in one year, or sufficient to pay one third of said debt in 1865, one third and accruing interest in 1866, and the remainder, with accruing interest, in 1867; and the money arising from such additional tax or bonds shall not be used or appropriated for any other purpose than the payment of the said Marcus Smith bonds; or the city council may issue bonds of the city for a part of the debt, and levy a tax to pay the balance of the debt; or the said council may issue bonds in the name of the city sufficient in amount to pay off and take up the whole of said debt, and sell them at not less than their par value, or exchange them for the said Marcus Smith bonds at the same rate; said bonds may be for such amounts, and may run for such length of time, as the council may determine, but not to exceed thirty years; and they may bear interest, payable annually, at such rate as the council may determine, not exceeding seven per cent. per

May levy and collect taxes to pay bonds.

Or may issue other bonds.

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annum; which bonds and interest thereon may be made payable, and may be sold in such place or places, as the council may determine. The bonds shall be under the corporate seal of said city, and signed by the president of the city council and the city clerk, and may be of such form, and with or without interest coupons attached as the council may determine.

In relation to
school tax, &c.

§ 4. That hereafter the bills for school tax shall be made out by the clerk of the school board of the city of Covington. The city clerk shall not, *ex-officio*, be allowed or required to perform any service for said board, nor in reference to any matter pertaining to the matters, funds, or property belonging to said board, or under its control; but all such duties and services as are by the charter of said city enjoined upon the city clerk, are hereby required to be done in future by the clerk of said board, precisely as they are now required to be done by the city clerk; and all officers of said city, and other persons, are hereby empowered and required, in every respect, to proceed in reference to all matters pertaining to the school board, its property, funds, or business, with the clerk of said board, as they are now required to proceed with the city clerk in reference to the same.

§ 5. The school board shall have power to prescribe what branches of learning, and what languages may be taught in the common schools of said city, as well as in the high school.

§ 6. This act to be in force from and after its passage.

Approved February 24, 1865.

CHAPTER 1059.

AN ACT to incorporate the Union Oil, Mining, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles F. Carpenter, John Goodman, Johnson L. Hall, Dexter Belknap, John C. Nauts, John Gill, J. Cromie, and their associates, are hereby created a body-politic and corporate, under the name and style of the "Union Oil, Mining, and Manufacturing Company," and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and break or alter the same at pleasure; and may make all necessary or convenient by-laws, rules and regulations, for the government of said company and the management of its affairs, not inconsistent with the State or Federal Constitution.

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§ 2. That said company shall have power and authority to appoint any one or more of its members, or other person, to manage, control, and direct the business thereof, and remove the same at pleasure, according to the by-laws, rules and regulations, which may, from time to time, be adopted by said company for its government and the transaction of its business; and said company shall be organized by the aforesaid corporators at such time and place as they may appoint.

§ 3. That the capital of said company shall be one hundred thousand dollars, divided into shares of fifty dollars each; the capital stock may be increased or diminished, but not to exceed one million of dollars of capital, by a vote of the stockholders at a regular meeting, or one called on ten days' notice; the company may organize when fifteen thousand dollars (\$15,000) shall have been paid up or subscribed and secured; and, after any stockholder shall have paid up his subscription, his liability shall cease.

§ 4. The business of said company shall be, in their discretion, the mining for coal, the boring for oil or petroleum, and the refining of the same, the manufacture of salt or metals, or articles of wood or iron, or some branch or branches of said business; said company may purchase or lease, own or hold, such real estate in the State as they may deem necessary, and the same may sell and convey at pleasure, according to its by-laws; it shall also have power to own and dispose of such personal property, together with buildings, machinery, boats, roads, &c., as it may deem necessary, from time to time, in the prosecution of its business.

§ 5. This company may exercise any rights and privileges granted to any other similar company chartered by the Legislature at this session.

Approved February 24, 1865

CHAPTER 1060.

AN ACT to incorporate the Sinking Creek Lead and Zinc Company, of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ben. S. Coffey, M. Brown, J. M. Bryant, S. S. Bush, and L. M. Flournoy, and their successors, are hereby created a body corporate and politic, by the name of "The Sinking Creek Lead and Zinc Company, of Kentucky," for the term of thirty years, with all the powers and authority to corporations for the purposes hereinafter mentioned.

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§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining for lead, zinc, and other minerals, and to refine and vend the same.

§ 3. The capital stock of "The Sinking Creek Lead and Zinc Company, of Kentucky," shall be five hundred thousand dollars, and shall be divided into shares of not less than five nor more than one hundred dollars each; and may be issued and transferred in such manner, and upon such conditions, as the board of directors of said corporation may direct.

§ 4. The affairs of said company may be managed by seven directors, one of whom shall be president, all of whom shall be stockholders in said corporation; the first board of directors shall consist of Ben. S. Coffey, M. Brown, J. M. Bryant, S. S. Bush, and L. M. Flournoy, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected; if any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else; they may adopt such by-laws and rules for the government of the corporation, and management of its affairs and business, as they deem proper, not inconsistent with the constitution and laws of the State; the said incorporators, or any of them, may open books of subscription, and receive subscription to the capital stock of said company herein incorporated; and books of subscription may be opened, and subscriptions received at such times and places, and upon such notices thereof, as any three of said incorporators may deem right and proper.

§ 5. The said "Sinking Creek Lead and Zinc Company, of Kentucky," shall not own, in fee simple and by lease, lands exceeding in value five hundred thousand dollars, the capital stock of the company; whenever one hundred thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of a new board of directors, who shall hold office for one year, and as provided herein; the board of directors of said corporation may fill all vacancies occasioned by death, or resignation, or otherwise; and may make such calls of payment of stock as they deem proper, not exceeding twenty per cent. for every thirty days; they may keep their office at such place or places as they deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and other officers as they may deem necessary, with such compensation for services as they may fix; and by their by-laws regulate

and fix the mode of keeping their books and papers as may be deemed necessary.

1865.

§ 6. This act shall take effect from its passage.

Approved February 24, 1865.

CHAPTER 1061.

AN ACT to incorporate the Richmond and Red Lick Petroleum and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James H. Embry, Benjamin Grant, F. G. Finn, H. S. Stearns, J. Towner, and W. B. Dodge, are created a body-politic and corporate, by the name of the "Richmond and Red Lick Petroleum and Mining Company," for the purpose of obtaining petroleum, minerals, and coal, or some of those articles, by sinking wells, mining, or other process, and to manufacture, refine any, or all of these products, and to construct refineries, furnaces, iron mills, and barrel factories, necessary and convenient for the use of the company, and erect warehouses, and construct docks or other conveniences for shipping any or all of the company's products, and to hold in fee or by lease any coal, petroleum, or mineral lands, which they may obtain by purchase or grant, and may develop such mines or lands by drilling or mining, or lease any portion of said lands to other persons or companies, upon such terms as may be agreed; they and their associates and successors shall continue and have succession for an indefinite period, and by their name and style are hereby made as capable in law as individual citizens to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; to borrow money for the benefit of said company, not to exceed one third of the estimated value of the realty proposed to be hypothecated, but not to have the privilege of loaning money or issuing bills or notes upon banking principles. Also, after the company shall be organized, the power to ordain and establish such by-laws, ordinances, and regulations as shall be for the well-being and government of said corporation, not contrary to the laws of this State or the United States.

Corporators' names, and corporate powers.

May borrow money.

May make by-laws.

§ 2. That the capital stock of this company be one million of dollars, divided into twenty thousand shares of fifty dollars each.

Capital stock.

§ 3. The officers of this company shall consist of a president, vice president, secretary, treasurer, and four direct-

Officers of corporation.

1865.**Annual meet-
ings.**

ors, who shall be elected by the stockholders, and to hold their office for the term of one year, or until their successors are elected. The annual meeting of the stockholders shall be held at such time and place as shall be fixed by the directors, timely notice of which shall be given each and every stockholder. Any stockholder not present at any such meeting or election may vote by proxy, such proxy being a stockholder, and presenting his authority from his principal.

**Secretary to
report.**

§ 4. That at every annual meeting it shall be the duty of the secretary to report, in writing, the financial condition of the corporation, its acts and doings, and at all times to have his books ready for inspection by the board of directors.

**May deposit
funds in sol-
vent bank.**

§ 5. The treasurer is at all times authorized to deposit money belonging to the corporation in any good and solvent bank in this State or elsewhere, at the risk of the stockholders or corporation.

Dividends.

§ 6. That dividends shall be declared from the net gains of the company from time to time, as may be determined by the board of directors.

Quorum.

§ 7. Three officers of the board of directors shall constitute a quorum, and be competent to transact business.

§ 8. The Legislature reserves the right to amend, alter, or repeal this act.

§ 9. This act to take effect from its passage.

Approved February 24, 1865.

CHAPTER 1062.

AN ACT to incorporate the Mountain Petroleum and Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

**Corporators'
names, and
corporate pow-
ers.**

§ 1. That M. E. Ingram, H. D. McHenry, Wm. Millward, L. S. Trimble, Wm. McKee Fox, John Woods, J. T. Boyle, L. M. Flournoy, A. H. Hoyer, and John R. Thomas, and their successors, be, and they are hereby, created a body-corporate and politic, by the name of the "Mountain Petroleum and Transportation Company," for the term of thirty years, with all the powers and authority incident to corporations; to make and to have a common seal, and the same to alter and renew at pleasure; to sue and to be sued; to be capable by their corporate name of purchasing and holding and conveying any estate, real or personal, necessary to enable them to carry on the objects of their incorporation as hereinafter mentioned.

**Business of
corporation.**

§ 2. The corporation is hereby authorized to bore, dig, or mine for petroleum or rock oil, coal, salt, or other min-

erals, on any lands within the State of Kentucky owned or held by said company, in fee simple or by lease.

1865.

§ 3. The capital stock of said company shall be one million dollars, to be divided into one hundred thousand shares of ten dollars each, to be issued and transferred in such manner, and upon such conditions, as the board of directors of said company may determine; and the amount of said capital stock may be increased at any time by vote of the stockholders of said company at a meeting called for the purpose.

Capital stock.]

§ 4. The affairs of said company shall be managed by a board of nine directors, a majority of whom shall constitute a quorum for the transaction of business. The said directors shall elect one of their number to be president of the company; and no person shall be a director in said company unless he be at the same time a stockholder therein. The first board of directors shall consist of M. E. Ingram, H. D. McHenry, Wm. Millward, L. S. Trimble, Wm. McKee Fox, John Wood, J. T. Boyle, L. M. Flournoy, A. H. Hoyer, and John R. Thomas, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said company; and the board of directors chosen by the stockholders shall continue in office for one year or until their successors are elected and qualified; if any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws, rules, and regulations for the government of the said company and management of its affairs and business as they may deem proper, not inconsistent with the laws of the State or United States; the said corporators or any of them may open books of subscription and receive subscriptions to the capital stock of the Mountain Petroleum and Transportation Company herein incorporated; and such books of subscription may be opened and subscriptions received at such times and places, and upon such notices thereof, as any three of said corporators may deem right and proper.

Board of directors, president, term of office, &c.

Vacancies.

May make by-laws.]

May open books.]

§ 5. The said company are further authorized to erect proper warehouses, and other buildings and machinery, for the storage of, refining, and loading of petroleum, and the storage of coal and other minerals, at such place or places as may be necessary for the prosecution of their business; and provide for the transportation of oil, coal, or other minerals to market; and for this purpose the said company are hereby invested with the right and power to construct railroads, to acquire land necessary for the right of way for such roads and other improvements, in the same manner that turnpike road companies are authorized to acquire the right of way by the Revised Statutes of

May erect buildings, &c.

May construct railroads.

1865.

Kentucky; and to have all rights and privileges conferred upon other corporations for similar purposes in this Commonwealth.

May open offices at different places.

§ 6. The board of directors of said company are hereby authorized to open offices for the conduct of their business at such place or places as they may deem proper; and to make such rules to regulate the issuing and transfer of stock at their principal office as they may deem proper.

Approved February 24, 1865.

CHAPTER 1063.

AN ACT to amend the charter of the Great Western Mining and Manufacturing Company.

WHEREAS, The General Assembly of the Commonwealth of Kentucky, by an act approved January 19, A. D. 1856, credited William P. Miller, Archibald Borders, Laban T. Moore, William T. Nicholls, William M. Snow, and Daniel A. Gliddon, their associates, survivors, successors, and assigns, a body-politic and corporate, by the name and style of the "Great Western Mining and Manufacturing Company," for the purposes of mining coal, iron ore, and other minerals; and whereas, doubts have arisen in the minds of said corporators as to their authority as a body-corporate, under the said act, to bore or sink wells for coal oil or petroleum, and to refine the coal oil or petroleum produced or obtained therefor; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said William P. Miller, and his associates above named, their associates, survivors, successors, and assigns, incorporators under the above named act of the General Assembly of Kentucky, may, as such body-politic and corporate, sink or bore a well or wells for coal oil or petroleum, upon any and all of the lands belonging to the corporate body, or that may hereafter be acquired by the said company, with power also to manufacture or refine the coal oil or petroleum that may be produced or obtained from such well or wells; and with power and authority to build all such buildings and make all such improvements upon their lands as may be necessary or desirable in conducting the business hereby authorized to be done, and that may be necessary and proper to enable the said company to ship, transport, and sell the products of such business.

§ 2. This act shall take effect from and after its passage.

Approved February 24, 1865.

CHAPTER 1064.

1865.

AN ACT to incorporate the Eskridge Petroleum and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Elijah R. Eskridge, William B. Evarts, James Eskridge, John P. Haswell, Green W. Beard, and their associates in office, be, and they are hereby, created a body corporate and politic, by the name of "The Eskridge Petroleum and Mining Company," for the term of thirty years, for the purpose hereinafter mentioned, and with the rights and powers of corporations necessary to carry out the objects of the corporation.

§ 2. The capital stock of the company shall be one hundred thousand dollars; and so soon as the amount of capital stock shall be subscribed, and ten per cent. thereof paid, the said Elijah R. Eskridge, William B. Evarts, Jas. Eskridge, John P. Haswell, Green W. Beard, and their associates in office, shall be and constitute the first board of directors of said corporation, and shall hold office until their successors are elected; on the application of any three stockholders to said board of directors, they shall appoint a place and time for holding an election of a new board of directors, to be chosen from the stockholders, who shall be elected by a majority of those in interest; and the board of directors may elect one of their number president, and may appoint a treasurer and secretary, also such other officers as they may create by their by-laws, and may fix the salary and compensation of all employed; the capital stock may be increased by the board of directors to an amount of not exceeding four hundred thousand dollars; and the stock may be divided into shares of not less than five dollars or more than one hundred dollars each, as the board of directors may deem proper.

§ 3. The said "Eskridge Petroleum and Mining Company" are authorized and empowered to purchase and hold, in fee simple or by lease, real estate not to exceed in value the capital stock of the company; and are authorized to bore and mine for petroleum, salt, and other minerals, and to refine and vend the same.

§ 4. The board of directors of "The Eskridge Petroleum and Mining Company" may adopt such by-laws (not inconsistent with the laws of this State or of the United States) as they may deem proper, for the government of the company and management of its affairs and business; and establish an office, or offices, at such place or places, as they may deem proper; and may open books of subscription to the capital stock of the company, and close the same at such time and place as any three of said directors may deem proper, and regulate the manner of

1865.

issuing and transferring the stock of the company: *Provided*, That the General Assembly reserve the right to alter, amend, or repeal this charter.

§ 5. This act to take effect from its passage.

Approved February 24, 1865.

CHAPTER 1065.

AN ACT to incorporate the Henderson Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and
corporate pow-
ers.

§ 1. That G. M. Priest, S. M. Wing, W. R. Kinney, A. H. Hager, E. C. Mitchell, R. A. Watts, Theodore Wright, J. T. Boyle, J. S. Phelps, B. H. Bristow, Henry D. McHenry, and their successors, be, and they are hereby, created a body corporate and politic, by the name of "The Henderson Oil and Mining Company," for the term of thirty years, with all the powers and authority incident to corporations; to make and have a common seal, and the same to alter and renew at pleasure; to sue and to be sued; to be capable by their corporate name of purchasing, holding, and conveying any estate, real or personal, necessary to enable them to carry on the objects of their incorporation as hereinafter mentioned.

Business of
corporation.

§ 2. The corporation is hereby authorized to bore, dig, or mine for petroleum or rock oil, coal, salt, or other minerals, on any lands within the State of Kentucky, owned or held by said company, in fee simple or on lease.

Capital stock

§ 3. The capital stock of said company shall be one million dollars, to be divided into one hundred thousand shares of ten dollars each, to be issued and transferred in such manner and upon such conditions as the board of directors of such company may determine; and the amount of the said capital stock may be increased at any time, by a vote of the stockholders of the said company, at a meeting called for the purpose.

Board of direc-
tors, president,
term of office,
&c.

§ 4. The affairs of said company shall be managed by a board of nine directors, a majority of whom shall constitute a quorum for the transaction of business. The said directors shall elect one of their number to be president of the company, and no person shall be a director in said company unless he be at the same time a stockholder therein. The first board of directors shall consist of G. M. Priest, Sam. M. Wing, W. R. Kinney, A. H. Hager, E. C. Mitchell, R. A. Watts, Theodore Wright, J. T. Boyle, J. S. Phelps, B. H. Bristow, and Henry D. McHenry, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said company, and the board of directors chosen by the stockholders shall

continue in office for one year or until their successors are elected and qualified. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws, rules and regulations, for the government of said company and the management of its affairs and business, as they may deem proper, not inconsistent with the laws of the State. The said corporators, or any of them, may open books of subscription and receive subscriptions to the capital stock of the Henderson Oil and Mining Company herein incorporated; and such books of subscription may be opened and subscriptions received at such times and places, and upon such notices thereof, as any three of said corporators may deem right and proper.

1865.

Vacancies.

May make by-laws.

May open books.

§ 5. The said company are further authorized to erect proper warehouses and other buildings and machinery for the storage, refining, and bonding of petroleum, and the storage of coal and other minerals, at such place or places as may be necessary for the prosecution of their business; and to provide for the transportation of oil, coal, or other minerals to market; and for this purpose the said company are hereby invested with the right to acquire land necessary for the right of way, for such roads and other improvements, in the same manner that turnpike road companies are authorized to acquire the right of way by the Revised Statutes of Kentucky.

May erect buildings, &c.

§ 6. The board of directors of said company are hereby authorized to open offices for the conduct of their business, at such place or places as they may deem proper, and to make such rules to regulate the issuing and transfer of stock at their principal office as they may deem proper.

May open offices at different places.

Approved February 24, 1865.

CHAPTER 1066.

AN ACT to incorporate the Continental Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. S. Coffey, J. T. Boyle, A. H. Hager, John Boyle, A. G. Story, E. K. Phelps, T. T. Davis, O. Ladue, R. Ball, and their successors, be, and they are hereby, created a body-corporate and politic, by the name of the "Continental Petroleum Company," for the term of thirty years, with all the powers and authority incident to corporations; to make and have a common seal, and the same to alter and renew at pleasure; to sue and to be sued; to be capable by their corporate name of purchasing, holding, and conveying any estate, real or personal, necessary

Corporators' names, and corporate powers.

1865.

to enable them to carry on the objects of their incorporation as hereinafter mentioned.

Business of
corporation.

§ 2. The corporation is hereby authorized to bore, dig, or mine for petroleum or rock oil, coal, salt, or other minerals, on any lands within the State of Kentucky, owned or held by said company, in fee simple or by lease.

Capital stock.

§ 3. The capital stock of said company shall be one million dollars, to be divided into one hundred thousand shares of ten dollars each, to be issued and transferred in such manner, and upon such conditions as the board of directors of said company may determine; and the amount of said capital stock may be increased at any time by a vote of the stockholders of said company at a meeting called for the purpose.

Board of directors,
president,
term of office,
&c.

§ 4. The affairs of said company shall be managed by a board of nine directors, a majority of whom shall constitute a quorum for the transaction of business. The said directors shall elect one of their number to be president of the company, and no person shall be a director in said company unless he be at the same time a stockholder therein. The first board of directors shall consist of B. S. Coffey, J. T. Boyle, A. H. Hager, John Boyle, A. G. Story, E. K. Phelps, T. T. Davis, O. Ladue, R. Ball, who shall continue in office until their successors shall be elected by a majority in interest of the stockholders of said company; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected and qualified. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws, rules, and regulations for the government of the said company, and the management of its affairs and business, as they may deem proper, not inconsistent with the laws of the State. The said corporators, or any of them, may open books of subscription, and receive subscriptions to the capital stock of the Continental Petroleum Company herein incorporated; and such books of subscription may be opened, and subscriptions received at such times and places, and upon such notices thereof, as any three of said corporators may deem right and proper.

Vacancies.

May make by-
laws.

May open
books.

May erect
buildings, &c.

§ 5. The said company are further authorized to erect proper warehouses and other buildings and machinery for the storage, refining, and bonding of petroleum, and the storage of coal and other minerals, at such place or places as may be necessary for the prosecution of their business, and to provide for the transportation of oil, coal, or other minerals to market; and for this purpose the said company are hereby invested with the right to acquire land necessary for the right of way for such roads and

other improvements, in the same manner that turnpike road companies are authorized to acquire the right of way by the Revised Statutes of Kentucky.

1865.

§ 6. The board of directors of said company are hereby authorized to open offices for the conduct of their business, at such place or places as they may deem proper, and to make such rules to regulate the issuing and transfer of stock at their principal office as they may deem proper.

May open offices at different places.

§ 7. This act shall take effect and be in force from and after its passage.

Approved February 24, 1865.

CHAPTER 1067.

AN ACT to incorporate the Rocky Hill Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Moses Brown, J. M. Bryant, and S. S. Bush, and their successors, be, and they are hereby, created a body corporate and politic, by the name of the "Rocky Hill Oil Company," for the term of thirty years, with all the powers and authority to corporations for the purposes hereinafter mentioned.

Corporators' names, and corporate powers.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

May purchase lands.

§ 3. The capital stock of the Rocky Hill Oil Company shall be five hundred thousand dollars, and shall be divided into shares of not less than five nor more than one hundred dollars each; and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

Capital stock.

§ 4. The affairs of said company may be managed by seven directors, one of whom shall be president, all of whom shall be stockholders in said corporation. The first board of directors shall consist of Moses Brown, J. M. Bryant, and S. S. Bush, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules for the government of the corporation and management of its affairs and business as they deem proper, not inconsistent with the constitution and laws of the State. The said corporators, or any of them, may open books of subscrip-

Directors, term of office, &c.

Vacancies.

May make by-laws.

May open books.

1865.

tion, and receive subscriptions to the capital stock of said company herein incorporated; and books of subscription may be opened, and subscriptions received, at such times and places, and upon such notices thereof, as any three of said incorporators may deem right and proper.

Not to own property exceeding capital stock.

When new board of directors to be elected.

May keep offices at different places.

Officers to be appointed.

§ 5. The said Rocky Hill Oil Company shall not own, in fee simple and by lease, lands exceeding in value five hundred thousand dollars, the capital stock of the company; whenever one hundred thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year, and as provided herein; the board of directors of said corporation may fill all vacancies occasioned by death, or resignation, or otherwise; and may make such calls of payment of stock as they deem proper, not exceeding twenty per cent. for every thirty days; they may keep their office at such place or places as they deem to the interest of the corporation; they may appoint a secretary, treasurer, superintendent, and other officers as they may deem necessary, with such compensation for services as they may fix; and by their by-laws regulate and fix the mode of keeping their — as may be deemed necessary.

§ 6. This act shall take effect from its passage. No banking privileges are allowed said company.

Approved February 24, 1865.

CHAPTER 1068.

AN ACT to incorporate the Nelson County Petroleum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That William Johnson, John S. Hubbard, J. D. Guthrie, and B. F. Guthrie, are created a body corporate, able by their common consent to receive and grant in law anything within the compass of their chartered franchises and privileges, and to be denominated the "Nelson County Petroleum Company;" with the privilege and purpose of boring petroleum and salt wells, and exploring for minerals, on any lands which they have in Nelson and Larue counties, or any other counties in which they may acquire lands by purchase, lease, or otherwise, and reducing the oil to burning fluid, paraffine, asphaltum, and to all its uses; trading in oil in its crude or refined state, and to mine and sell coal or other minerals, and making or trading in salt and shipping it to foreign or domestic ports; lay conduct pipes and construct railroads from their wells to a navigable river or a railroad now constructed or to be constructed, and to make connections and turn-outs for

1865.

their purposes, &c.; they, and their associates and successors, shall continue and have succession for an indefinite period; and by that name and style are hereby made as capable in law as individual citizens to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal; and shall have power to purchase or lease and hold real estate for the purposes aforesaid, and to sell or lease any part they may desire, by deed or other conveyance; also, after the company is organized, shall have the power to ordain and establish such by-laws, ordinances, and regulations as shall be necessary for the well-being and government of said corporation, and not contrary to the laws of this State or of the United States.

§ 2. That the capital stock of this company be five hundred thousand dollars (\$500,000), divided into shares of one hundred dollars (\$100) each, which may be increased or diminished as the president and directors may determine.

Capital stock.

§ 3. That the president and directors shall regulate the proportion of stock which may be issued to each member on application.

Stock to be regulated.

§ 4. That the corporation, or a majority of them, shall hold a meeting, as soon after the passage of this act as convenient, for the purpose of organizing by the election of a president, vice president, secretary, treasurer, and one other, making five, which shall constitute a board of directors, a majority of whom shall constitute a quorum for the transaction of business, and to hold their offices for one year, or until others are elected; and at the expiration of each year an election for said officers to be held in the city of Louisville, where the office for the transaction of their business shall be located; and notice to be given in one or more newspapers published in the city of Louisville, of the time and place of holding said election, for one week; and each stockholder shall have a vote for every share he or she may own; and any stockholder not present at any such meeting or election may vote by proxy, such proxy being a stockholder attending such meeting or election, and presenting his authority from his principal duly authenticated by two witnesses subscribing to his or her name under seal.

When company to organize, & officers elected, &c.

§ 5. That at every annual meeting it shall be the duty of the secretary to report in writing the financial condition of the corporation, its acts and doings, and at all times to have his books ready for inspection by the board of directors, and also at said meeting to declare the dividends, &c., directing the treasurer to settle and pay the same in conformity with the report; and further, that divi-

Secretary to report at annual meetings.

1865.
 Dividends.
 May deposit
 funds in bank.

dends may be declared and paid to stockholders half yearly, quarterly, or whenever the directors shall order; that the treasurer is at all times authorized to deposit money belonging to the corporation in any good and solvent bank in the city of Louisville at the risk of the corporation and stockholders.

§ 6. That nothing in this act shall be so construed as to confer banking privileges or powers to this company; and the Legislature reserves the right to alter, amend, or repeal this act.

§ 7. This act shall take effect from and after its passage.

Approved February 24, 1865.

CHAPTER 1070.

AN ACT to incorporate the Kentucky Petroleum, Oil, Mining, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
 names, and cor-
 porate powers.

§ 1. That George Stealey, Wm. K. Thomas, J. T. Boyle, Marc Mundy, J. W. Knight, Benjamin F. Thurston, and Geo. Meadows, and their associates, successors, and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Kentucky Petroleum, Oil, Mining, and Manufacturing Company," and by that name and style shall have perpetual succession, with power to contract and be contracted with, and sue and be sued in that name, in all courts and places; to have a common seal; to engage in mining and boring for petroleum or rock oil, salt water, and other valuable minerals, and in the manufacturing, refining, preparing for market, transporting and selling oil and salt, and other products of said business, and of the lands now owned, or which may hereafter be owned by them in this State; and of selling or assigning the personal or real estate or stock of said company, as they may deem advisable; to hold their meetings, and transport and sell their oil, salt, and other products, within or without the State; and to have all the powers needful and proper for the successful prosecution of their business, and for the execution of the powers herein granted.

When company
 to organize, &
 officers elected.

May make by-
 laws.

§ 2. That said corporators, or a majority of them, may organize said company by the appointment of a president, and such other officers and managers as they may deem necessary, at such time and place as they may designate by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules, and regulations as they may deem necessary, from time to time, for the government and prosecution of the

business of said corporation, not inconsistent with the constitution and laws of the United States or this State.

1865.

§ 3. The capital stock of said company shall be \$1,000,000; and said company shall have power to increase the same from time to time, not exceeding \$2,500,000.

Capital stock.

§ 4. The said company may buy, lease, or rent any suitable lands, mines, oil, coal, iron, and salt rights, lands, and privileges, rights of way, and other property necessary for their business, and may dispose of the same, or any portion of it, by sale or otherwise; they may receive real estate, leaseholds, mining and boring rights, and rights of way, in payment of such part of the subscriptions to stock as they may deem advisable. Said company may erect and build on any of their lands such buildings, engines, machinery, and other fixtures, as may be deemed convenient and proper for carrying on and conducting the business of said corporation.

May buy lands, &c.

§ 5. That this act shall take effect from and after its passage.

Approved February 24, 1865.

CHAPTER 1071.

AN ACT to incorporate the Pilot Knob and Kentucky Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Harrison Thomson, John H. Goff, C. C. Eastern, Albert W. Thomson, and Thomas J. Goff, and their associates and successors, are hereby created a body-politic and corporate, under the name and style of the "Pilot Knob and Kentucky Oil and Mining Company," and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, and plead and be impleaded, in all courts and places; have a common seal, and alter and renew the same at pleasure; may make all necessary by-laws and regulations for the government of said company and the conduct of its business, not inconsistent with the constitution and laws of this State and of the United States.

Corporators' names, and corporate powers.

§ 2. All contracts and agreements, authenticated by the president of the board of directors, shall be binding on the company, without seal; or such other mode of authentication may be used as the company, by their by-laws, may prescribe.

How contracts binding.

§ 3. The capital stock of said company shall be not less than five hundred thousand dollars, and may be increased from time to time, as the board of directors may determine, to the sum of seven millions of dollars, divided into shares

Capital stock.

1865.

of fifty dollars each, which may be subscribed and paid for in such manner as may be prescribed by said company in their by-laws; and said stock may be transferred as the said company, by its by-laws, may direct.

Who to open
books for sub-
scription to
stock.

§ 4. The corporators named in the first section of this act, or any three of them, are hereby appointed commissioners to receive subscriptions for stock in said company; and they may open books therefor in Kidville, Clarke county, Kentucky, and at such other points in or out of this State, and keep the same open for such length of time as they may deem expedient, first giving ten days' notice thereof in some newspaper published in the city of Lexington.

May hold real
estate.

§ 5. Said company is hereby authorized to lease, purchase, and hold all such real and personal estate as they may deem necessary and proper for the purposes of carrying on the business of the corporation, and the same to sell, lease, mortgage, or otherwise dispose of at pleasure; and the stock of said company shall be held to be personal estate and pass as such.

Business of
corporation.

§ 6. It shall be lawful for, and said corporation is hereby empowered and authorized to mine, bore for, manufacture, and trade in iron, coal, lead, salt, zinc, petroleum, lumber, and other mineral and vegetable substances, the product of the real estate it is hereby authorized to lease, purchase, and hold; and for the purpose of enabling said corporation to transport the products of its business and operations to market, and for general uses, it may construct, lay down, build, and fully equip, with all necessary machinery, engines, cars, wagons, and carriages, such railroads and branch railroads and other roads, from its lands to such point or points in this State as the board of directors may from time to time deem necessary, and direct by by-law, order, or resolution; and for that purpose all the powers, exemptions, rights, privileges, duties, and restrictions of the 14th, 15th, 16th, 17th, and 18th sections of an act, entitled "An act to charter the Louisville and Nashville railroad company," approved March 5, 1850, are hereby extended to, conferred upon, and made a part of the charter of this corporation: *Provided, however,* That nothing herein shall be so construed as to violate or interfere with any chartered rights now existing, or to prevent the Legislature from authorizing other railroads to be laid down parallel with the roads constructed by this corporation, should public necessity require the same: *And provided further,* That the State of Kentucky may, at any time after ten years from the completion of any railroad built by said corporation, become the purchaser thereof, by paying the full cost thereof and of the estimated value of its rolling stock, depots, warehouses, and other property used in the operation thereof, and ten per cent. thereon;

May build
railroads.

and in case of the construction of turnpike or plank roads, said corporation shall be governed by the general laws of this State in reference thereto, and shall have all the rights and privileges therein conferred.

1865.

§ 7. The affairs and business of said corporation shall be managed by a board of five directors, to be chosen by the stockholders, each one of whom shall own in his own right not less than one thousand dollars of the capital stock of said corporation; the said directors shall elect a president and vice president, secretary, and assistant secretary, and treasurer, from their own number or from the stockholders in said corporation. The said directors may hold their meetings and transact their business at such place, in or out of this State, as they may by by-law or resolution prescribe, and their meetings and business, so held and transacted, shall be valid and binding.

Who to manage affairs of corporation.

President and other officers to be elected.

Where to hold meetings.

§ 8. Said corporation is hereby authorized to issue their bonds, on the faith of the property owned by said company, and the subscriptions made to the stock thereof, to the extent of one half of the value of said property and subscriptions, and may sell and dispose of the same in such way, and at such times and places, as said board of directors may order; and said corporation is hereby invested with all the rights, privileges, and powers incident to corporations for similar purposes. As soon as the sum of fifty thousand dollars of stock in said corporation is subscribed in mineral, coal, or oil lands, and paid in, said company may organize, first having given twenty days' notice of such organization through some newspaper published in the city of Lexington, elect the first board of directors, who shall serve until their successors shall be regularly elected and installed. The time of the election of directors of said company, and the term of their office, may be fixed by said first board of directors, which may be altered or changed as the board of directors for the time being may direct.

May issue and sell bonds.

When to organize, and how.

§ 9. The board of directors of said company shall declare dividends from time to time, as they may deem advisable, and issue certificates of stock in such manner and form, and under such regulations and restrictions, as they may prescribe by their by-laws; but no stock shall be issued until the sum of fifty thousand dollars has been subscribed and paid in lands, leases, or otherwise. The subscribers to the stock of said company shall pay in the same upon such calls as the board of directors may make; and all calls unpaid for thirty days after the order for the same has been made and notice thereof given, shall bear interest until paid.

May declare dividends.

Calls on stock.

§ 10. That said corporation shall have power to borrow money at an interest not exceeding eight per cent.

May borrow money.

1865. per annum, and to pledge and mortgage its roads and any other property or part thereof belonging to the company, to secure the payment of the money so borrowed, and may issue bonds payable in the city of New York or other Eastern city, and certificates of stock therefor; but no bonds, certificates of stock, or notes shall be issued to circulate as bank notes.

How stock voted. § 11. In the election of board of directors each stockholder shall have one vote for each share he owns in said corporation, and if not present at the election of said directors, may vote by proxy in writing.

§ 12. This act shall take effect from and after its passage.

Approved February 24, 1865.

CHAPTER 1072.

AN ACT to incorporate "The Kentucky River Oil and Mining Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers. § 1. That Jeremiah T. Boyle, Marcellus Mundy, L. M. Flourney, B. H. Bristow, E. Coppee Mitchell, Theodore Wright, Nelson S. Woodford, John P. Verree, W. C. Whitaker, Simon Gratz, and L. H. Rousseau, and their successors, be, and they are hereby, created a body corporate and politic, by the name of "The Kentucky River Oil and Mining Company," for the term of fifty years, with all the powers and authority incident to corporations; to make and have a common seal, and the same to alter and renew at pleasure; to sue and to be sued; to be capable by their corporate name of purchasing, holding, and conveying any estate, real or personal, necessary to enable them to carry on the objects of their incorporation as hereinafter mentioned.

Further powers. § 2. The said company is hereby authorized to bore, dig, or mine for petroleum or rock oil, coal, salt, or other minerals, on any lands in the State of Kentucky owned or held by said company, in fee simple or on lease.

Capital stock. § 3. The capital stock of the said company shall be one million dollars, to be divided into one hundred thousand shares of ten dollars each; to be issued and transferred in such manner and upon such conditions as the board of directors of such company may determine; and the amount of the said capital stock may be increased at any time, by a vote of a majority of the stockholders of the said company, at a meeting called for the purpose: *Provided*, That the capital stock shall not at any time be increased to more than two millions of dollars.

§ 4. The affairs of the said company shall be managed by a board of nine directors, a majority of whom shall constitute a quorum for the transaction of business. The said directors shall elect one of their number to be the president of the company; and no person shall be a director in said company unless he be at the same time a stockholder therein. The first board of directors shall consist of J. T. Boyle, Marcellus Mundy, Theodore Wright, L. M. Flournoy, E. Coppee Mitchell, B. H. Bristow, N. S. Woodford, John P. Verree, and Simon Gratz, who shall continue in office until their successors shall be elected by a majority in interest of the stockholders of the said company; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected and qualified. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing or choosing some one else. They may adopt such by-laws, rules and regulations, for the government of the said company and the management of its affairs and business, as they may deem proper, not inconsistent with the laws of this State. The said corporators, or any of them, may open books of subscription and receive subscriptions to the capital stock of the Kentucky River Oil and Mining Company herein incorporated, and such books of subscription may be opened and subscriptions received at such times and places, and upon such notices thereof, as any three of said corporators may deem right and proper.

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Who to manage affairs of corporation.

President.

Qualification of directors.

First board of directors.

Term of office.

Vacancies.

May make by-laws.

May open books.

May erect buildings, &c.

§ 5. The said company are further authorized to erect proper warehouses, and other buildings and machinery, for the storage, refining, and bonding of petroleum, and for the storage of coal and other minerals, at such place or places as may be necessary for the prosecution of their business; and to provide for the transportation of oil, coal, and other minerals, by the repair and construction of roads and railways, and the improvement of the navigation of such streams as may prove necessary for the transmission of such oil, coal, or other minerals to market; and for this purpose the said company are hereby invested with the right to acquire land necessary for the right of way for such roads and other improvements, in the same manner that turnpike road companies are authorized to acquire the right of way by the Revised Statutes of Kentucky.

§ 6. The board of directors of the said company are hereby authorized to establish offices for the transaction of their business, at such place or places as they may deem

May establish offices at different places.

1865.

proper, and to make such rules to regulate the issuing and transfer of stock at their principal office as they may see fit.

Approved February 25, 1865.

CHAPTER 1074.

AN ACT for the benefit of G. W. Dohoney and others.

WHEREAS, A controversy exists between the heirs of Chapman Dohoney, deceased, involving the title to certain lands lying in Hickman county, Kentucky; and whereas, the courts of said county are interrupted by the war; and whereas, all of the heirs of said Chapman Dohoney reside in the county of Adair, in this State, except one, who lives in the city of Louisville; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That jurisdiction to try and determine said controversy be, and the same is hereby, conferred upon the Adair circuit court; and its judgment in the case to have the same force and effect as though said lands lay in the county of Adair.

§ 2. This act to be in force from its passage.

Approved February 25, 1865.

CHAPTER 1075.

AN ACT to amend the charter of the Greenupsburg and Cincinnati Petroleum and Oil Company, passed at the present session.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Greenupsburg and Cincinnati Petroleum and Oil Company," be, and the same is hereby, so amended, as to authorize said company to organize, as provided in section 4 of said act, when the sum of fourteen thousand dollars has been subscribed to the capital stock; and, upon such organization, may, at any time thereafter, commence business, and exercise all the rights and privileges conferred by the act to which this is an amendment. The stock of the company may be increased from time to time, as the company may determine, up to the maximum amount fixed by section 2 of said act.

§ 2. This act shall take effect from its passage.

Approved February 25, 1865.

CHAPTER 1076.

1865.

AN ACT in reference to the uncollected revenue of the County of McCracken for the year 1864.

WHEREAS, G. W. Ratcliffe, former sheriff of McCracken county, did not, prior to his resignation on the 8th of August, 1864, receive from the clerk of the McCracken county court the assessor's book for the collection of the revenue and county levy tax of said county for the year 1864; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. W. Ratcliffe be, and he is hereby, released from all liability on his bonds for the collection of the revenue and county levy tax for the year 1864: *Provided*, That nothing herein contained shall be so construed as to release said Ratcliffe from any liability for any State or county revenue which he may have collected and not paid over for any liability which he may have incurred before he was compelled by military authority to resign his office of sheriff.

§ 2. That the county court of McCracken county be, and is hereby, empowered to appoint a collector of the unpaid State and county revenue for the year 1864; that said collector, when so appointed, shall execute bond for the faithful performance of the duties as now prescribed by law as respects sheriffs, and shall be responsible on his said bond for the faithful collection and accounting for the revenue as the sheriffs of the State are responsible for similar duties; and shall be allowed not exceeding ten per cent. for his services.

§ 3. That this act shall take effect from its passage.

Approved February 25, 1865.

CHAPTER 1077.

AN ACT to amend an act, entitled "An act to amend the charter of the Covington and Cincinnati Bridge Company," approved January 21, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section sixth of an act, entitled "An act to amend the charter of the Covington and Cincinnati Bridge Company," approved 21st January, 1865, be, and the same is hereby, repealed.

§ 2. This act shall be in force from and after its passage.

Approved February 25, 1865.

1865.

CHAPTER 1078.

AN ACT for the benefit of J. H. Blair.

WHEREAS, It is represented to this General Assembly that a judgment was rendered at the June term, 1863, of the Franklin circuit court, in favor of the Commonwealth, against George W. Taylor, trustee of the jury fund of Daviess county, and against J. H. Blair and others as his sureties on his official bond as his trustee, for the sum of \$905 48, with interest from July 3, 1863, and \$181 09 damages, and \$7 45 costs, which judgment was rendered without any notice to said Taylor or his sureties; and whereas, it is further represented that said Blair was not liable on his bond aforesaid for the amount due from said trustee as aforesaid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Blair be, and he is hereby, authorized to file a petition in equity in the said court, enjoining the said judgment and all further proceedings thereunder; in which petition shall be stated the reasons and facts which show that said Blair was not liable on the bond sued on in said action for the amount claimed therein by the Commonwealth. Upon the filing of said petition, the clerk of the said court shall issue an injunction directing the Auditor of Public Accounts to postpone all proceedings under said judgment, as to said Blair, until the further order of said court, which injunction shall be obeyed by the Auditor: *Provided, however,* That before said injunction shall be issued, the said Blair shall execute bond, with good surety, before said clerk, conditioned to pay the Commonwealth all damages she may sustain in the event said injunction be dissolved.

§ 2. If said Blair does not file said petition in the clerk's office of said court, on or before the 1st day of May next, his right to file the same shall cease.

§ 3. If the said court dissolves said injunction, it shall award to the Commonwealth ten per cent. damages upon the aggregate of principal, interest, and costs enjoined.

§ 4. If the injunction granted hereunder be dissolved by said court, the said Blair may appeal to the Court of Appeals, and may supersede said judgment in the mode and manner now prescribed in civil cases.

§ 5. This act shall take effect from its passage.

Approved February 25, 1865.

CHAPTER 1079.

1865.

AN ACT to amend the charter of the Covington and Taylor's Mill Turnpike Road Company.

WHEREAS, It is represented to this General Assembly that the work on the Covington and Taylor's Mill road turnpike has been suspended for several years, and that all the capital stock subscribed thereto has been entirely expended, so that the present company has no means whatever to complete the said road, or to pay off the indebtedness against the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all cases where a creditor or creditors of said company shall have heretofore, or may hereafter obtain any judgment or judgments against the said company, and shall have an execution thereon returned no property found, it shall be lawful for such creditor or creditors to institute an action by equitable proceedings in the Kenton circuit court, to subject the property, rights, and franchises of said corporation, including the road and all its appurtenances, to sale for the satisfaction of such judgment or judgments; and the lien of such judgment, creditor or creditors, shall attach upon all of said property and franchises at the date of the commencement of the action by equitable proceedings as aforesaid.

Proceedings in cases where execution against railroad is returned no property found.

§ 2. That the said circuit court shall have the power, in any action heretofore or hereafter commenced for that purpose, to decree a sale of the said property and franchises, or of such an interest therein as may be necessary to satisfy the judgment, such sale to be made in the same manner in all respects as sales of real estate under decrees are required by law to be made; and if the entire property, rights, and franchises of said company shall be sold to satisfy any judgment or judgments as herein provided, the purchaser or purchasers of the same, and their associates and successors, shall be, and they are hereby, created a body politic and corporate, under the name and style of the Covington and Taylor's Mill road turnpike company, with all the rights, powers, privileges, immunities, and franchises vested in the old company by the act of incorporation, approved February 18, 1848, and the amendment thereto, approved February 15, 1858.

Circuit court may decree sale of road.

Purchasers to be a body corporate, &c.

§ 3. That the purchaser or purchasers of the road and franchises may, after he or they shall have obtained a deed therefor, open books at the sheriff's office in the city of Covington, under the direction of such person or persons as he or they may select, for a new subscription to the capital stock of said company, which new subscription shall not, however, exceed the sum of fifty thousand (\$50,000) dollars.

Purchasers may open books for subscription of stock.

1865.

Rates of toll
changed.

§ 4. That in lieu of the rates of toll prescribed by the charter of said company, it is hereby authorized and empowered to charge and collect from all and every person or persons using said road, at each toll-gate thereon, the following sums for each five miles used or traveled, to-wit: For every twenty head of sheep, hogs, or other small stock, ten (10) cents; for every horse, mule, or ass, led or driven, five (5) cents; for each person on horseback, six (6) cents; for each head of cattle, four (4) cents; for every two-wheeled pleasure carriage, if drawn by one horse, ten (10) cents, and if drawn by two horses, fifteen cents; for every four-wheeled pleasure carriage, if drawn by one horse, fifteen cents, and if drawn by two horses, twenty cents; for every cart, if empty, ten cents, and with a burthen, fifteen cents; for every four-wheeled wagon, or other carriage of burthen, if drawn by two horses, or other animals, twenty-five cents, and five cents for each additional horse or animal attached thereto; and for every sleigh, if drawn by one horse, ten cents, and five cents for each additional horse or animal attached thereto.

Location of toll
gates.

§ 5. That the said company shall have the right to locate the toll-gate now authorized by law at any point on said road not less than one half ($\frac{1}{2}$) a mile from the present corporation line of the city of Covington, and may charge and collect at such gate one half the rate of toll authorized by the next preceding section.

When full toll
may be collect-
ed.

§ 6. That the said company shall not be bound to cover said road, or any part of it, with metal or macadamized stone nine (9) inches in thickness, but the same shall be considered completed so as to authorize the collection of the full rate of toll prescribed by this act, whenever sufficient metal or macadamized stone has been put on the same, for a distance of five miles or more, to make it a good and substantial highway in the opinion of the justice or commissioners who examine the same; and whenever more than five miles of said road shall be completed, and only one toll-gate erected thereon, it shall be lawful for said company to charge and collect toll at said gate, for each mile over and above five miles, according to the rates herein established.

Purchaser not
liable for debts
of old company.

§ 7. That nothing in this act shall be so construed as to render the purchaser or purchasers of said road liable for the payment of any debt of the old company not included in the amount bid at the sale.

§ 8. That this act shall take effect from and after its passage.

Approved February 25, 1865

CHAPTER 1080.

1865.

AN ACT to incorporate the Olympian Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas L. Crittenden, Harry I. Todd, L. M. Flournoy, and H. D. McHenry, their associates, successors, and assigns, be, and they are hereby, created a body corporate, by the name, style, and title of "The Olympian Oil and Mining Company;" and by that name are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and proper for the conducting and government of said corporation, not inconsistent with the constitution and laws of this State or the United States.

§ 2. The capital stock of said company shall be two millions of dollars, to be divided into shares of one hundred dollars each; said company may, however, commence operations as soon as twenty-five thousand dollars of said capital stock is subscribed, and ten thousand dollars thereof paid in; and the remaining portion of said stock may be issued and sold by the board of directors of said company at such times as to them may seem best.

§ 3. That said company shall have power to negotiate for, purchase, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, bore, excavate, dig, and mine for petroleum, salt water, coal, iron, lead, zinc, and other minerals, and in the manufacture of the same and other products of land now owned by them, or which may hereafter be owned or leased by them; to purchase, build, and own boats and other necessary implements and machinery for carrying on said business; to erect all necessary buildings for its transactions; to hold such mining rights, and rights of way and real estate, as they may deem necessary for a successful prosecution of their business, and the same, or any part thereof, may sell or otherwise dispose of, as the interest of said company may require.

§ 4. For conducting the affairs of said company a board of not less than three nor more than five directors of said company shall be chosen; said board shall choose one of its members who shall be president of said company; and said board shall serve for one year, or until their successors are elected and qualified; the president and directors shall have power to appoint all other officers, agents, and servants, and remove them at pleasure; in all elections each share shall entitle the holder to one vote, and stock-

1865.

holders may vote by proxy; books for the subscription of stock may be opened at any time and place, and closed again at pleasure; the stock shall be deemed personal estate.

§ 5. That it shall be lawful for the president and directors of said company, from time to time, to borrow or obtain on loans such sums of money, and on such terms, as they may deem expedient for the use of said company; and to pledge or mortgage all or any part of the estate, improvements, privileges, effects, and assets of said company for the repayment of such sums of money so borrowed, at such times as may be agreed on.

§ 6. In the event of failure of any stockholder to pay up his stock as called for by order of the board, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

§ 7. Said company shall have, possess, and enjoy all the rights, privileges, and immunities conferred by law in this State upon any other petroleum and manufacturing company chartered for similar purposes.

§ 8. This act shall take effect from its passage.

Approved February 25, 1865.

CHAPTER 1081.

AN ACT to incorporate the Barren River Oil and Coal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That John Norris, Mortimer H. Brown, Alexander Scott, and their successors, be, and they are hereby, created a body-corporate and politic, by the name of the "Barren River Oil and Coal Company," for the term of thirty years, with all the powers and authority to corporations for the purposes hereinafter mentioned.

May hold lands.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, and to refine and vend the same.

Capital stock.

§ 3. The capital stock of the Barren River Oil and Coal Company shall be five hundred thousand dollars, and shall be divided into shares of not less than five nor more than one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

Who to man-
age affairs of
corporation.

§ 4. The affairs of said company may be managed by seven directors, one of whom shall be president, all of whom shall be stockholders in said corporation. The first board of directors shall consist of John Norris, Mortimer H. Brown,

Alexander Scott, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws and rules for the government of the corporation and management of its affairs and business as they deem proper, not inconsistent with the constitution and laws of the State. The said incorporators, or any of them, may open books of subscription and receive subscription to the capital stock of said company herein incorporated; and books of subscription may be opened and subscriptions received at such times and places, and upon such notices thereof, as any three of said incorporators may deem right and proper.

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First board of directors, term of office, &c.

Vacancies.

May make by-laws.

May open books.

§ 5. The said Barren River Oil and Coal Company shall not own, in fee simple and by lease, lands exceeding in value five hundred thousand dollars, the capital stock of the company. Whenever one hundred thousand dollars of the capital stock is subscribed, and ten per cent. thereof paid in, notice shall be given of the time and place of election of a new board of directors, who shall hold office for one year, and as provided herein. The board of directors of said corporation may fill all vacancies occasioned by death or resignation, or otherwise, and may make such calls of payment of stock as they deem proper, not exceeding twenty per cent. for every thirty days. They may keep their office at such place or places as they deem to the interest of the corporation. They may appoint a secretary, treasurer, superintendent, and other officers, as they may deem necessary, with such compensation for services as they may fix; and by their by-laws, regulate and fix the mode of keeping their records as may be deemed necessary.

Not to own property exceeding the capital stock.

Company to organize—how and when.

Directors may fill vacancies, &c.

May keep offices at different places. Officers to be appointed.

§ 6. This act shall take effect from its passage. No banking privilege is allowed said company.

Approved February 25, 1865.

CHAPTER 1082.

AN ACT to amend an act, entitled "An act to authorize the County Court of Jefferson county to borrow money to aid enlistments and provide substitutes."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Jefferson county (a majority of the justices outside of the city of Louisville in

1865. commission concurring) is authorized to borrow, in the manner, and on the terms and conditions, and to be used and applied in manner and for the objects named in the act passed the — day of February, 1865, a sum not exceeding one hundred thousand dollars instead of seventy-five thousand dollars; and so much of said act as names seventy-five thousand dollars as the sum authorized to be borrowed, is repealed.

§ 2. This act shall take effect from its passage.

Approved February 25, 1865.

CHAPTER 1083.

AN ACT for the benefit of the estate of Col. Cicero Maxwell, deceased.

WHEREAS, It is represented to this General Assembly that on the fourth day of September, 1863, a negro woman named Amanda was sold as a runaway slave at public auction, in the town of Bowling Green, by the sheriff of Warren county, and that J. C. Mattingly became the purchaser at the price of three hundred and sixty dollars, and executed bond to the Commonwealth of Kentucky for said sum, payable at twelve months from date with interest thereon, with the late Col. Cicero Maxwell as surety; and whereas, it is further represented that said negro was a runaway from the so-called Confederate States, and included in the President's proclamation of emancipation of January, 1863, and that the said Mattingly is insolvent; in consideration of these facts, and in consideration of the gallant conduct of Col. Maxwell, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the estate of the late Col. Cicero Maxwell be, and the same is hereby, released from the payment of all sums due the State of Kentucky upon said bond, except such portions thereof as are by law due to the jailer, sheriff, and officers of the Warren county court.

§ 2. This act to take effect from its passage.

Approved February 25, 1865.

CHAPTER 1084.

AN ACT to incorporate the Second Presbyterian Church, of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. C. Heiskell, Wm. W. Morris, Jno. Homeyer, James Parkhill, David R. Young, and Kearsley Carter, and their successors, be, and are hereby, constituted a body-

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politic and corporate, by the name of the Second Presbyterian Church of the city of Louisville, and shall have power to contract and be contracted with, sue and be sued, in all courts, either in law or equity; and to have a common seal, and the same to break or renew at pleasure.

§ 2. Said corporation shall have the right to receive and hold, by gift and will, or purchase, real and personal property, including the real or personal property now held and leased by said Second Presbyterian Church congregation, or by others, for their use or benefit, or for purposes of education, or for Sunday school purposes; they shall have right to sell and convey any real estate belonging to said corporation.

§ 3. Said corporation, or their successors, shall have right to enact rules and by-laws for the government of said corporation, not inconsistent with the constitution and laws of the United States, or the constitution and laws of the State of Kentucky.

§ 4. This act shall take effect from and after its passage.

Approved February 25, 1865.

CHAPTER 1085.

AN ACT to amend the Charter of the Covington and Dry Creek Turnpike Road Company.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that the road of the Covington and Dry Creek turnpike road company is much in need of repair, and the company is in debt and has not means to make the requisite repairs, and it is doubted whether the company has legal authority to borrow money and pledge its property to secure it; and it is believed that if such power be given, that means can be obtained, and the road repaired; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said company be, and is hereby, authorized to borrow money, and contract for materials and labor for its use, on the credit of the company, not exceeding, on borrowed money, ten thousand dollars; and may issue bonds thereon, with coupons, payable at such time and place, and at such rate of interest, not exceeding eight per cent. per annum, as the board of directors may deem proper and best for the company, and make the interest payable semi-annually; and said company is authorized to pledge, in mortgage, all its rights, franchise, property, tolls, and income whatever, for the security of such indebtedness, and duly execute any and all writings to carry out the object of

1865.

this act; and the corporate seal shall not be necessary to be affixed thereto.

§ 2. This act shall take effect from its passage.

Approved February 25, 1865.

CHAPTER 1087.

AN ACT to incorporate the Tar Fork Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That Charles Robson and William C. Rehner, of the county of Venango and State of Pennsylvania, William Robson and George W. Robson, of the county of Campbell and State of Kentucky, and Johnson Peck, of the county of Mason and State of Kentucky, and their successors and assigns, are hereby created a body-politic and corporate, by the name of "The Tar Fork Oil Company," and by that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, answer and defend, in all courts and places, as a natural person; to have and use a common seal, and alter the same at pleasure, and to make all necessary by-laws and regulations, for the government of the company and the conduct of its business, not inconsistent with the Constitution and laws of this Commonwealth.

May hold real estate, & business of corporation.

§ 2. The said company shall have power to purchase and hold such estate in Kentucky and elsewhere, by lease, in fee, or otherwise, and such mining privileges, rights of way, and other easements, as it may deem necessary or expedient for its business; and shall have power to dig, bore, mine, and search for oil, coal, salt, and other minerals, products and deposits in the earth; to extract, take out, develop, smelt, and refine, reduce, manufacture, and prepare for market, any or all of said minerals, products, or deposits, and to transport or sell the same in or out of this State; to buy, erect, or construct all machinery, tools, fixtures, and personal property, deemed necessary or proper in carrying on said business, or any part thereof; to sell, convey, transfer, or assign, all or any part or interest in said estate, real or personal, corporeal or incorporeal, and to exercise any necessary or proper powers to carry out the expressed powers herein granted; that nothing herein contained shall be construed as granting to the said company any banking powers.

Capital stock.

§ 3. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, which shares shall be personal property, and shall be evidenced and transferable as prescribed by the by-laws of the company, and the said

persons named in the first section of this act shall constitute the board of directors for said company for the first year after the passage of this act, and until their successors are qualified; they or a majority of them shall have power to open books for the subscription of stock, and prescribe in the terms of subscription the manner of payment, and the grounds of forfeiture of stock subscribed for and not paid in as required; and when not less than twenty thousand dollars are subscribed, and such portion thereof paid in as the said board of directors shall require to be paid in cash, the company may proceed to business, and the board, or a majority thereof, shall organize by electing one of their number to be president of the company, and to preside at the meetings of the board.

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May open books

When to organize.

§ 4. The president and directors shall provide by the by-laws for the annual election by the stockholders of a board of not less than five nor more than nine directors; who, when elected in each year, shall choose one of their number as president as aforesaid; and the president and directors shall hold their offices until their successors are elected; and the board of directors, or so many thereof as may, by the provisions of the by-laws, constitute a quorum for business, may, from time to time, fill vacancies in the board occurring between annual elections as shall be provided in the by-laws.

Annual elections, term of office, &c.

§ 5. Each share of stock shall entitle the holder to one vote at the elections of directors or in stockholders' meetings, and must be voted by the holder in person or by virtue of a written proxy signed by the holder; and no person shall be voted for or hold the office of director who does not own at least three shares of said capital stock.

How stock voted.

§ 6. The said by-laws may provide for the appointment, employment, and payment of all necessary secretaries, treasurers, cashiers, and other agents, employes, and operatives, and for requiring bond and security of such of its officers, and in such amount and penalty, as it may deem proper, the better to secure the faithful discharge of their duties.

Officers to be appointed.

§ 7. And the said company may, from time to time, as it may deem proper, make, declare, and pay dividends or profits, and distribute its net receipts and the proceeds of sales amongst the stockholders *pro rata*, according to the amount of stock held by each.

May declare dividends.

§ 8. This act shall be in force from and after its passage.

Approved February 25, 1865.

1865.

CHAPTER 1088.

AN ACT to incorporate the Girard Oil, Mining, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That S. Lane, J. G. Hatchitt, William Van Name, James Harlan, jr., and their associates, successors, and assigns, are hereby created a body-politic and corporate, with perpetual succession, under the name and style of "The Girard Oil, Mining, and Manufacturing Company," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in their corporate name, in all courts in this Commonwealth; may have and use a common seal, and alter and change the same at pleasure; may purchase and hold real estate, and may lease, sell, transfer, and assign the same to any person or persons, or corporations; may have, hold, and transfer any personal property necessary for the transaction of the business of said corporation; may make such rules and regulations for the government and management of the business of said corporation, from time to time, as may be by them deemed right and proper.

Objects of corporation.

Further powers.

§ 2. The object of said company is to develop the petroleum, rock, and carbon oils, iron, coal, copperas, zinc, and other minerals, lumber, and vegetable resources in the State of Kentucky, and to manufacture, refine, and transport the same to market in crude or refined state; and to this end said company may open oil wells and mines for all manner of minerals; cut and transport to market lumber of all kinds; shall have power to erect all needful work-shops, mills, refineries, furnaces, depots, and other buildings which may be deemed proper for the prosecution of their business; may purchase, construct, and own wharves and landings upon the navigable streams in the Commonwealth, and may improve the navigation of the streams in the State, by the erection of dams and locks, and the removal of all manner of obstructions therefrom, subject to the supervision of the Board of Internal Improvement of the State; and when such improvements are made, may charge such rates of toll as are charged on the Kentucky river for similar improvements; may construct boat-yards, build and own all kinds of boats; may construct turnpikes and railroads to and from any of the works or depots of said company, and all points within the State where said company may wish to deliver their products, in the raw or manufactured state; and when said turnpikes and roads are completed, may charge the same rates of toll, per capita and per ton, as may be charged on the Danville and Hustonville turnpike road, and upon the

Louisville and Nashville railroad for similar and like improvements.

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§ 3. The capital stock of said company shall not exceed one million of dollars, and shall be divided into shares of not less than ten dollars each; said stocks to be subscribed, paid for, sold, and transferred in such manner as said company may determine by its by-laws and regulations adopted from time to time, the form of certificate and transfer to be fixed by the company, and may be entered on the books of the company, which books shall at all times be open to the inspection of the shareholders; said stocks shall be held and deemed personal property.

Capital stock.

§ 4. Said company may, as soon after its organization as is deemed proper, have a meeting of the shareholders at Frankfort, Kentucky, for the purpose of electing a president, and not less than three directors, a treasurer, and secretary, and shall give twenty days' notice of the time at which said election shall be held, by publication in some daily newspaper published in the city of Louisville. The officers thus elected shall hold their offices for one year from the date thereof, and until their successors are duly elected; the time of annual elections to be determined by the by-laws, or the president and directors, and to be published as aforesaid. At all elections any stock or shareholder may vote by proxy. All money paid to said company shall be paid to the treasurer thereof, who shall execute bond with approved security, for the faithful discharge of his duties, and for any breach thereof may be sued with his sureties by the party aggrieved.

When first meeting to be held for election of directors, &c.

§ 5. The principal office of said company shall be kept at such place as the board of directors shall fix, and branch offices may be established within or out of the State of Kentucky, at the discretion of said board. The affairs of said company shall be regulated by the president and directors, who shall have power to fix any and all necessary by-laws and regulations for the government thereof, not inconsistent with the Constitution of the United States or of this State, and the laws thereof.

Principal office.

How affairs of company to be regulated.

§ 6. The treasurer of said company may, under the supervision of the board, deposit the funds of said company in such banks and places as may be deemed safe and secure, or may invest the same in real or personal property or securities, but not to exercise any banking powers whatever.

May deposit funds.

§ 7. The liability of shareholders shall be to the extent of stock held by each, and each shall have as many votes in all elections as he holds shares, which votes may be cast by proxy.

Liability of stockholders.

§ 8. The board of directors may, from time to time, declare dividends, and determine the manner of payment,

May declare dividends.

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and all dividends, except those arising from the sale of stocks herein authorized, shall be equally apportioned among the shareholders according to the number of shares of stock held by them.

§ 9. The said company shall have all the rights, powers, and privileges which may be conferred by the charter of any similar corporation, for similar purposes, passed at the present session of the General Assembly, and not incorporated specifically herein.

§ 10. The right to alter, amend, or repeal this charter is reserved to the General Assembly.

§ 11. This act shall be in force from its passage.

Approved February 25, 1865.

CHAPTER 1089.

AN ACT to incorporate the Pike Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. M. Montmollin, E. D. Ashford, James G. Hatchitt, James Harlan, jr., and their associates, successors, and assigns, are hereby created a body-politic and corporate, by the name and style of the "Pike Mining and Manufacturing Company," and by that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, answer and defend, in all courts and places as a natural person; to have and use a common seal, and alter the same at pleasure, and to make all necessary by-laws and regulations for the government of the company and the conduct of its business, not inconsistent with the constitution and laws of this Commonwealth.

§ 2. The said company shall have power to purchase and hold such real estate in Kentucky, and elsewhere, by lease, in fee, or otherwise, and such mining privileges, rights of way, and other easements, as it may deem necessary or expedient for its business; and shall have power to dig, bore, mine, and search for oil, coal, salt, and other minerals, products and deposits in the earth; to extract, take out, develop, smelt, and refine, reduce, manufacture, and prepare for market any or all of said minerals, products, or deposits, and to transport or sell the same, in or out of this State; to buy, erect, or construct all machinery, tools, fixtures, and personal property, deemed necessary or proper in carrying on said business or any part thereof; to sell, convey, transfer, or assign all or any part or interest in said estate, real or personal, corporeal or incorporeal, and to exercise any necessary or proper powers to carry out the expressed powers herein granted: *Pro-*

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vided, That nothing herein contained shall be construed as granting to said company any banking powers.

§ 3. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars each, which shares shall be personal property, and transferable in such mode as may be prescribed by the by-laws of the company; and the persons named in the first section shall have power to fix the time, place, and manner of voting for directors, who shall hold their office until the first annual election, which shall take place within six months thereafter, and annually from the time of the first annual election. The board of directors shall have power to open books for subscription of stock, and prescribe the manner of payment and the grounds of forfeiture of stock subscribed for and not paid in as required.

§ 4. The by-laws shall provide for the annual election, by the stockholders, of a board of not less than three nor more than seven directors, who, when elected in each year, shall choose one of their number as president; and the president and directors shall hold their office until their successors are elected and qualified in the mode prescribed by the by-laws; and said board, or so many as the by-laws may provide, shall constitute a quorum for business, and may fill vacancies in the board occurring between annual elections.

§ 5. Each share of stock shall entitle the holder to one vote at the election of directors or in stockholders' meetings, and must be voted by the holder in person, or by written proxy signed by the holder; and no person shall be voted for or hold the office of director who does not own at least three shares of capital stock.

§ 6. The by-laws may provide for the appointment, employment, and payment of all necessary secretaries, treasurers, and other agents, employes, and operatives, and for requiring bond and security of such of its officers, and in such amount and penalty, as it may deem proper for the faithful discharge of their duties.

§ 7. The said company may, from time to time, as it may deem proper, make, declare, and pay dividends or profits, and distribute its net receipts and the proceeds of sales among the stockholders *pro rata*, according to the amount of stock held by each.

§ 8. Said company shall possess, exercise, and enjoy all the powers, rights and privileges, which have been or may be conferred by any act of this General Assembly upon any similar corporation for similar purposes.

§ 9. This act shall be in force from its passage.

Approved February 25, 1865.

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CHAPTER 1091.

AN ACT for the benefit of Walter B. Simmons, late Sheriff of Meade County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That two years, from and after the passage of this act, shall be given to Walter B. Simmons, late sheriff of Meade county, to list and collect his uncollected fee bills and taxes, under the penalties now prescribed by law; and said fee bills and taxes now remaining uncollected shall have distrainable force for and during the two years aforesaid.

§ 2. That when said Walter B. Simmons shall pay into the Treasury the amount of revenue due to the State for the years 1863 and 1864, he shall be released from the damages on the judgments now standing against him on account of his failure to collect and pay into the Treasury the revenue for the years aforesaid: *Provided, however,* Said payments shall be made within two years.

§ 3. This act to take effect from its passage.

Approved February 25, 1865

CHAPTER 1092.

AN ACT for the benefit of Geo. T. Blakey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to allow Geo. T. Blakey; sheriff of Logan county, in the settlement of his revenue for the year 1864, the sum of two hundred and twenty-five dollars, being the amount of interest paid by said Blakey on judgment for revenue of 1863.

§ 2. This act to take effect from its passage.

Approved February 25, 1865.

CHAPTER 1095.

AN ACT for the benefit of W. M. Samuels, Sheriff of Hickman County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time until the first Monday in August, 1865, be, and is hereby, given to W. M. Samuels, sheriff of Hickman county, to make out and return his delinquent list for said county for the year 1864.

§ 2. This act to take effect from its passage.

Approved February 25, 1865.

CHAPTER 1096.

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AN ACT for the benefit of J. L. McCarty, Sheriff of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, upon the payment of the principal and costs of judgment, Franklin circuit, Commonwealth against J. L. McCarty, sheriff of Whitley county, for revenue 1863, by the 1st day of May, 1865, the Auditor is authorized to release the damages and interest thereon.

§ 2. That, upon the payment of the principal and costs of judgment of the Franklin circuit court against sheriff of Whitley county, J. L. McCarty, for the revenue of 1864, by the 1st day of October, 1865, the Auditor is authorized to release the interest and damages thereon. Before said sheriff shall have the benefit of this act, his sureties, in his official bond for the collection of the revenue for the years aforesaid, shall enter their consent of record to the extension of time herein provided, in the county court of said county.

§ 3. This act to take effect from its passage.

Approved February 25, 1865.

CHAPTER 1097.

AN ACT to incorporate the Western States Coal, Oil, and Mining Company

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Edward F. Dulin, Earl S. Goodrich, and their associates and successors, be, and they are hereby, created a body-corporate and politic, by the name of the "Western States Oil, Coal, and Mining Company," with all the powers and authority incident to corporators and corporations for the purposes hereinafter mentioned, and with all the general and special powers, privileges, and immunities which have been and may be granted by this General Assembly to any corporation or corporations chartered for similar purposes. Corporators' names, and corporate powers.

§ 2. The corporation is hereby authorized and empowered to purchase, sell, hold, and dispose of lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, of whatsoever kind, and to manufacture, refine, transport, and vend the same. May hold lands

§ 3. The capital stock of the corporation shall be divided into shares of not less than five nor more than five hundred dollars each, which shares may be issued and transferred in such manner and upon such conditions, and under such rules of forfeiture for non-payment of calls and assessments, as the board of directors of such corporation may direct; and the liability of shareholders shall extend Capital stock.

1865.

to and be limited by the amount of stock held by them respectively.

Who to manage affairs, & first board of directors.

§ 4. The affairs of said corporation shall be managed by three or more directors, one of whom shall be president, and all of whom shall be stockholders in said corporation. The first board of directors shall consist of Edward F. Dulin, E. S. Goodrich, and a third to be chosen by the two named, who shall continue in office for one year, or until their successors are elected by a majority in interest of the stockholders of said corporation, which said corporation

Term of office.

may exist in perpetuity; and the directors thus elected, and their successors, in perpetual succession, shall continue in office for one year, and until their successors are elected and enter upon their duties. If any of the above

Vacancies.

named directors shall decline or refuse to act, a majority of those remaining shall have power to fill such vacancy.

May make by-laws.

They may adopt such by-laws and rules for the government of the corporation and management of its affairs as they may deem proper, not inconsistent with the constitution of the State and of the United States. The said corporators, or any of them, may open books for, and receive

May open books.

subscriptions to, the capital stock of said company hereby incorporated, at such times and places, upon such notice, and coupled with such conditions, as the board of directors may determine. The board of directors of such corporation may fill all vacancies occasioned by death, resignation, or otherwise; they may make such calls for the payments of stock as they may deem proper; and in the event of non-payment, may forfeit the stock of the defaulting shareholder, or collect the same by suit, as they may elect.

Vacancies, call on stock, &c.

Right of way.

Right of way is hereby granted to said corporation over any lands, and on and along any water-courses within the State, with power and authority to condemn the same to their use, in the same manner, and subject to such restrictions as are and have been given to and imposed upon any corporation heretofore chartered by the General Assembly of Kentucky; and with power and authority to construct and operate over the right of way thus granted common and turnpike roads and railroads; and to build and maintain on and along such water-courses, locks and dams, and other fixtures and appliances for slack-water navigation to and from and between the site or sites of their mines and oil wells, and the markets for the sale and storage of their products, and to and from and between such mines and oil wells and the reliably navigable waters within and bordering upon the State, with the right, power, and authority, when such roads, railroads, and improved navigation shall be used by any other party or parties for travel or traffic, to charge for such use such reasonable rates of toll or carriage as the board of direct-

May construct roads, &c.

1865.

ors may determine, not exceeding the rates permitted by law to be charged by other corporations specially chartered for, and authorized to furnish and perform similar facilities and services. The board of directors may keep their office or offices at such place or places as the interests of the corporation may demand; they may appoint a president, secretary, treasurer, superintendent, and such other officers as they may deem necessary, and fix their compensation; and by their by-laws regulate the mode of keeping their records, to insure a just exhibit and administration of their affairs.

President and other officers to be appointed.

§ 5. Nothing contained in this charter shall be construed as conferring banking privileges upon the corporation.

§ 6. This act to take effect from its passage.

Approved February 25, 1865.

CHAPTER 1098.

AN ACT to incorporate the Transmontane Oil, Coal, and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Isaac Shelby, sr., Beriah Magoffin, Earl S. Goodrich, and their associates and successors, be, and they are hereby, created a body corporate and politic, by the name of "The Transmontane Oil, Coal, and Mining Company," with all the powers and authority incident to corporations and corporations, for the purposes hereinafter mentioned; and with all the general and special powers, privileges, and immunities which have been and may be granted by this General Assembly to any corporation or corporations chartered for similar purposes.

Corporators' names, and corporate powers.

§ 2. The corporation is hereby authorized and empowered to purchase, sell, hold, and dispose of lands, in fee simple and by lease, for mining and boring for petroleum and other oils and minerals, of whatsoever kind, and to manufacture, refine, transport, and vend the same.

May hold lands

§ 3. The capital stock of the corporation shall be divided into shares of not less than five nor more than five hundred dollars each; which shares may be issued and transferred in such manner, and upon such conditions, and under such rules of forfeiture for non-payment of calls and assessments, as the board of directors of such corporation may direct; and the liability of shareholders shall extend to and be limited by the amount of stock held by them respectively.

Capital stock.

§ 4. The affairs of said corporation shall be managed by three or more directors, one of whom shall be president, and all of whom shall be stockholders in said corporation; the first board of directors shall consist of Isaac Shelby,

Who to manage affairs, & first board of directors.

1865.	<p>sr., Beriah Magoffin, and Earl S. Goodrich, who shall continue in office for one year, or until their successors are elected by a majority in interest of the stockholders of said corporation, which said corporation may exist in perpetuity; and the directors thus elected, and their successors, in perpetual succession, shall continue in office for one year, and until their successors are elected and enter upon their duties; if any of the above named directors shall decline or refuse to act, a majority of those remaining shall have power to fill such vacancy; they may adopt such by-laws and rules for the government of the corporation and management of its affairs as they may deem proper, not inconsistent with the constitution of the State and of the United States; the said corporators, or any of them, may open books for, and receive subscriptions to, the capital stock of said company hereby incorporated, at such times and places, upon such notice, and coupled with such conditions, as the board of directors may determine; the board of directors of such corporation may fill all vacancies occasioned by death, resignation, or otherwise; they may make such calls for payment of stock as they may deem proper, and in event of non-payment may forfeit the stock of the defaulting shareholder, or collect the same by suit, as they may elect; right of way is hereby granted to said corporation over any lands, and on and along any water-courses within the State, with power and authority to condemn the same to their use in the same manner, and subject to such restrictions, as are and have been given to, and imposed upon, any corporation heretofore chartered by the General Assembly of Kentucky; and with power and authority to construct and operate over the right of way thus granted common and turnpike roads and railroads, and to build and maintain on and along such water-courses locks and dams, and other fixtures and appliances for slack-water navigation, to and from and between the site or sites of their mines and oil wells and markets, for the sale of their products, and to and from and between such mines and oil wells and the reliably navigable waters within and bordering upon the State; with the right, power, and authority, when such roads, railroads, and improved navigation shall be used by any other party or parties, for travel or traffic, to charge for such use such reasonable rates of toll or carriage as the board of directors may determine, not exceeding the rates permitted by law to be charged by other corporations for similar services and facilities; the board of directors may keep their office or offices at such place or places as the interests of the corporation may require; they may appoint a president, secretary, treasurer, superintendent, and such other officers as they may deem nec-</p>
Term of office.	
Vacancies.	
May make by-laws.	
May open books.	
Vacancies, calls on stock, &c.	
Right of way.	
May construct roads, &c.	
President and other officers to be appointed.	

essary, with such compensation for services as they may specify; and by their by-laws regulate the mode of keeping their records to insure a just exhibit and administration of their affairs.

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§ 5. Nothing contained in this charter shall be construed as conferring banking privileges upon the corporation.

§ 6. This act to take effect from its passage.

Approved February 25, 1865.

CHAPTER 1099.

AN ACT to amend an act, entitled "An act to incorporate the Newport and Covington Water-works Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of said act, in section two, fixing the rates to be charged for water by said corporation, be, and the same is hereby, repealed.

Approved February 25, 1865.

CHAPTER 1100.

AN ACT for the benefit of Bennett Spear, late Sheriff of Monroe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Bennett Spear, late sheriff of Monroe county, be, and he is hereby, allowed the further time, until the first Monday in May, 1865, to make out and return his delinquent list for said county, and the county judge of said county is hereby authorized to allow said delinquent list, without the justices of the peace being present as now required by law; and when the same is certified to the Auditor of Public Accounts he shall allow the said Spear a credit for the amount of said delinquent list so certified, in any settlement he may make with said Bennett Spear, late sheriff aforesaid.

§ 2. This act to take effect from and after its passage.

Approved February 25, 1865.

CHAPTER 1101.

AN ACT for the benefit of John H. Murray, late Sheriff of Allen county.

WHEREAS, It is represented to this General Assembly that John H. Murray, late sheriff of Allen county, on the 25th day of December, 1864, while on his way to Bowling Green to make a deposit of part of the revenue due from said county in the Branch Bank of Kentucky at Bowling

1865.

Green, was overtaken and robbed, by an armed band of guerrillas and robbers, of the sum of twenty-three hundred and sixty dollars, together with other money belonging to him; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts shall allow, and is hereby directed to give, the said John H. Murray, late sheriff of Allen county, a credit of twenty-three hundred and sixty dollars, in any settlement he may make with said sheriff for the revenue due from said county of Allen for the year 1864.

§ 2. This act to take effect from its passage.

Approved February 25, 1865.

CHAPTER 1102.

AN ACT for the benefit of Jas. D. Christian, late Sheriff of Todd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jas. D. Christian, late sheriff of Todd county, have, and he is hereby given, the further time of one year more than he is now allowed by law to wind up his official business as sheriff: *Provided*, That for the charging or collecting illegal fees he shall be liable to the same penalties that are now provided by law: *And provided further*, That the sureties on his official bond shall consent in writing, of record in county court, to this extension of time.

§ 2. This act to be in force from and after its passage.

Approved February 25, 1865.

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